WMCP 101-17

101ST CONGRESS
1st Session

COMMITTEE PRINT

WMCP:
101-17

COMMITTEE ON WAYS AND MEANS
U.S. HOUSE OF REPRESENTATIVES

THREE DECADES OF CHANGE: A HISTORICAL REVIEW OF THE LEADERS AND MEMBERS OF THE COMMITTEE ON WAYS AND MEANS

A SYMPOSIUM ON THE CHANGING PATTERNS OF WAYS AND MEANS LEADERSHIP AND MEMBERSHIP, CONDUCTED ON THE OCCASION OF THE COMMITTEE'S BICENTENNIAL CELEBRATION, JULY 24, 1989

NOVEMBER 10, 1989

Prepared for the use of the Committee on Ways and Means by its staff

---

U.S. GOVERNMENT PRINTING OFFICE
21-207 WASHINGTON : 1989

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

Y 4.W36:

READEX FICHE best copy available

COMMITTEE ON WAYS AND MEANS

DAN ROSTENKOWSKI, Illinois, *Chairman*

SAM M. GIBBONS, Florida
J.J. PICKLE, Texas
CHARLES B. RANGEL, New York
FORTNEY PETE STARK, California
ANDY JACOBS, JR., Indiana
HAROLD FORD, Tennessee
ED JENKINS, Georgia
THOMAS J. DOWNEY, New York
FRANK J. GUARINI, New Jersey
MARTY RUSSO, Illinois
DON J. PEASE, Ohio
ROBERT T. MATSUI, California
BERYL ANTHONY, JR., Arkansas
RONNIE G. FLIPPO, Alabama
BYRON L. DORGAN, North Dakota
BARBARA B. KENNELLY, Connecticut
BRIAN J. DONNELLY, Massachusetts
WILLIAM J. COYNE, Pennsylvania
MICHAEL A. ANDREWS, Texas
SANDER M. LEVIN, Michigan
JIM MOODY, Wisconsin
BENJAMIN L. CARDIN, Maryland

BILL ARCHER, Texas
GUY VANDER JAGT, Michigan
PHILIP M. CRANE, Illinois
BILL FRENZEL, Minnesota
DICK SCHULZE, Pennsylvania
BILL GRADISON, Ohio
WILLIAM M. THOMAS, California
RAYMOND J. McGRATH, New York
HANK BROWN, Colorado
ROD CHANDLER, Washington
E. CLAY SHAW, JR., Florida
DON SUNDQUIST, Tennessee
NANCY L. JOHNSON, Connecticut

ROBERT J. LEONARD, *Chief Counsel and Staff Director*
PHILLIP D. MOSELEY, *Minority Chief of Staff*

CONTENTS

Page

Opening remarks of the Honorable Dan Rostenkowski, Chairman of the Committee on Ways and Means 1

THE CHANGING PATTERN OF WAYS AND MEANS LEADERSHIP

Moderator: Charles O. Jones, Ph.D., Professor of Political Science, University of Wisconsin, Madison 2
Presenter: Allen Schick, Ph.D., The Brookings Institution, and the University of Maryland 3
Panel participants 15
- The Honorable Dan Rostenkowski, a Representative in Congress from the State of Illinois
- The Honorable Bill Archer, a Representative in Congress from the State of Texas
- The Honorable Wilbur D. Mills, a Former Representative in Congress from the State of Arkansas
- The Honorable Thomas Bradford Curtis, a Former Representative in Congress from the State of Missouri
- The Honorable James C. Corman, a Former Representative in Congress from the State of California

CHANGING PATTERNS OF WAYS AND MEANS MEMBERSHIP

Moderator: Thomas E. Mann, Ph.D., Director, Governmental Studies Program, The Brookings Institution 25
Presenter: Catherine E. Rudder, Ph.D., American Political Science Association 26
Panel participants 34
- The Honorable Abner J. Mikva, Judge, U.S. Court of Appeals, and a Former Representative in Congress from the State of Illinois
- The Honorable Martha W. Griffiths, Lieutenant Governor of the State of Michigan, and a Former Representative in Congress from the State of Michigan
- The Honorable Dan Rostenkowski, a Representative in Congress from the State of Illinois
- The Honorable Barbara B. Kennelly, a Representative in Congress from the State of Connecticut
- The Honorable William M. Thomas, a Representative in Congress from the State of California

Suggested readings 53

THE COMMITTEE ON WAYS AND MEANS BICENTENNIAL SYMPOSIUM

THREE DECADES OF CHANGE: A HISTORICAL REVIEW OF THE LEADERS AND MEMBERS OF THE COMMITTEE ON WAYS AND MEANS

Monday, July 24, 1989

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D.C.

The symposium was convened at 2 p.m., in room 2168, Rayburn House Office Building.

THE CHANGING PATTERN OF WAYS AND MEANS LEADERSHIP

OPENING REMARKS OF THE HONORABLE DAN ROSTENKOWSKI, CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

Chairman Rostenkowski. Good afternoon. Welcome to the Ways and Means Committee symposium on our past 30 years.

Whenever I see one of those nature films about safaris, I am reminded of the Ways and Means Committee. Typically when the lions go hunting, they are followed by a pack of hyenas waiting for the leftovers.

The Ways and Means Committee also travels with an entourage. I am not just talking about the lobbyists who hang out in Gucci Gulch, nor only about the press corps who also hunt in a pack. Our focus is on a smaller, more thoughtful group who give serious thought to what the Committee on Ways and Means is all about.

They are the academics who take heart in their study of the Congress in general, and the Ways and Means Committee in particular. Over the years, I found many of their observations both provocative and correct.

Allen Schick and Chuck Jones have appeared before our committee in informal settings; Catherine Rudder worked with Wyche Fowler when he served on the committee. Earlier she also worked for Abner Mikva, another of us, and Tom Mann is one of those rare Washington experts who can appreciate good politics and still do incisive analysis.

Their goal is to tell us what political scientists think they know about the Ways and Means Committee and how it has changed in the past decade. They have attempted to create a pattern from our daily activities. Our hope is that they will be able to describe the

forest to those of us who ordinarily spend our days cataloging the individual trees.

Our responsibility today is to tell them what it is really like to serve on the Committee on Ways and Means. Their job is to tell us how things appear from the distance. If we do our job right, we should provide a mother lode they can mine for months to come.

The combination of our perspective with theirs should provide a program that is both entertaining and educational. I want to preface their remarks with my gratitude, and I appreciate all of you Members coming here to participate in this event.

I think that it can be enjoyable and entertaining; but I am hoping that it also can be educational.

AN EXCHANGE BETWEEN POLITICAL SCIENTISTS AND THE MEMBERS

MODERATOR: CHARLES O. JONES, PH.D., PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF WISCONSIN, MADISON

PRESENTER: ALLEN SCHICK, PH.D., THE BROOKINGS INSTITUTION, AND THE UNIVERSITY OF MARYLAND

Mr. Jones. Thank you, Mr. Chairman. It is a delight to be here. And thank you for this celebration. This committee makes history every day, but I think it is very important that it pause in its deliberations to link up with the past, with the former Members here in this room, and with those who have gone before in the pages of the fine history of this committee that has been written.

Thank you also for including congressional scholars. We love this institution. We teach respect for this institution, here and abroad. We write respectfully about it, including the criticisms.

Any representative institution worth its salt will be criticized. We Americans enjoy the freedoms to criticize and comment on Congress. Those freedoms are in fact our ways and our means, and we are the envy of the world for those freedoms.

This session is on patterns of leadership. We have a paper by Allen Schick.

Leadership has been defined as the ability to arrange for those who have not yet made up their minds to find out what they favor. There is a lot going on in that definition. Conditions for leadership change and change dramatically. That is what this first paper by Allen Schick is about. He has been a long-time observer of this committee.

He will now review for you some of the changes that have occurred over the last three decades. Allen Schick.

PAPER PRESENTED BY ALLEN SCHICK

Mr. Schick. Thank you, Chuck. Thank you, Mr. Chairman.

Fortunately, you said that my task is to review changes over the last three decades. That is easier than to review changes over the last three days. We have a list of things we should not talk about: capital gains, medicare catastrophic.

I wrote a paper that says that chairmen these days have something to do with the output of the Ways and Means Committee. Without trying to influence your vote, I hope you don't make me

rewrite my paper in the next few days. I would hate to have to do that.

It seems to me the problem facing the people at the top of the Ways and Means Committee, beginning with Chairman Mills and extending to Chairman Rostenkowski today, is to make Ways and Means into an effective group. That is a problem that faces every chairman of every committee in Congress.

What makes the task more difficult in Ways and Means is that it is a powerful committee and not a weak one. It has a vast jurisdiction, and not a modestly sized one. There are enormous incentives for the rank and file Members to go their own way, because in going their own way, following their party or ideological preferences or being swayed by interest groups, they can write legislation that satisfies their constituents' or their particular point of view.

The power of Ways and Means, therefore, creates a problem that is not faced elsewhere. The way that problem has been resolved over the years, if I can sum it up as follows: Ways and Means is successful when the committee controls the House and when the chairman controls the committee. There is an interlocking relationship between the way the committee conducts its own business and the way the House reacts to matters reported to it by Ways and Means.

The chairman is the critical link between the committee and the House. By dominating one arena, he enables the committee to be dominant in the others. Therefore, he is the person responsible for shaping the committee into a disciplined, reasonably cohesive group, and he is the person responsible for persuading the House to accord special status to Ways and Means legislation.

What I would like to do briefly is to see how the past three chairmen have responded to that particular leadership responsibility. Those of us who recall Chairman Mills, the good old days when things were supposed to be easy. We wrote how easy it was to be chairman in those days, but I am sure it was quite difficult.

We recall a chairman who operated by consensus. A committee where there inevitably were a lot of party line votes because the Republicans felt certain things about trade or taxation or social legislation, or other matters on the agenda of this committee and the Democrats often were on the other side of the issue.

But somehow, the chairman typically did not report legislation in which the party line was branded into the final version. Between the original and the final votes, Members made an enormous effort to create a consensus position.

Chairman Mills, working with ranking minority Member John Byrnes, was able to achieve this consensus. I say it was easy to do in those days because there were no subcommittees, because the staff of the committee was extraordinarily small, and it was all controlled by the committee.

I would say it was easy to do in those days because the committee met behind closed doors. I say it was easy to do in those days because if it was difficult to achieve that consensus, then the chairman suspended work on the controversial legislation and directed the committee in another direction.

I say it was easy to do in those days because I am a political scientist and I have never been elected to anything. Now, Chairman

Mills saw this connection between consensus in committee and success on the Floor.

We say it was easy in those days because the committee almost always succeeded in taking legislation to the Floor under a closed rule. But consider what a closed rule means. It gives the parent chamber, your bosses in the House, the opportunity to reject a tax increase, a program change, a medicare cutback, or whatever might be on the agenda. It is a two-way street when you have closed rules.

While we often emphasize the advantage a closed rule gives the committee, we also ought to be aware of the risk that it places on committee legislation: the risk of a complete, total rejection.

Now, in the 1970's, we had what I call a revolt of individualism in the House. Let's be clear. Ways and Means was a target of that revolt, not because of anything it did or anything it did not do. It had one characteristic which put it into the sights of reformers: It was powerful.

Wherever power resided, that is where reformers campaigned against it. As the most powerful committee in Congress, Ways and Means became a symbol of the old establishment, and therefore, it had to be attacked.

It was an age of the individual. The generation following schooled in Watergate and Vietnam, in which all institutions of power were attacked, and most of all, Ways and Means. You know what happened. You got subcommittees, you met in the open. You enlarged your staff. You lost your role as the Democrat's committee on committees, and many other changes occurred.

In the period that Al Ullman chaired this committee, the link between success in committee and success on the Floor was broken. Al Ullman used to say it is not so important to win on the Floor. The Floor was raucous, there was fractiousness in those days. That was 10 or 12 years ago we are talking about. It is like light years away, when you had hundreds of new Members pouring from the election booths into the House of Representatives, determined to change things.

In those tumultuous years, it was not popular to say group values are more important than individual values. So Chairman Ullman responded to that sentiment by allowing the committee to give full expression to individual values.

What happened then is that subcommittees would meet on Ways and Means and they would write legislation, and it would be rewritten in full committee, and then it would also be rewritten on the Floor—energy legislation, some of you may recall, for example, was rewritten on the Floor.

That link between Ways and Means and the parent chamber, the Floor, was severed. Put simply, if you are willing to lose on the Floor, you will lose on the Floor. If you think it is not important to win on the Floor, then the discipline of the committee itself gets weakened.

Now, shifting to the current regime, during the first two years of Mr. Rostenkowski's chairmanship, the committee had the tax bill in 1981, and TEFRA in 1982. If anybody would have written about the leadership on Ways and Means after just those two measures, we would have said it is a continuation of the individualism of the

earlier Ullman period. We would have concluded that the exaltation of individual Members at the expense of institutional conformity has not run its course yet.

Anybody who takes a long view of the United States House of Representatives and its committee knows that movements run in cycles. The excesses of individualism emphasizes the notion of not caring about whether the group was successful, whether the group was powerful, whether the committee was deferred to on the Floor, whether the committee was respected or if it was seen as the most powerful committee in the House. By the early 1980's, a more balanced view was restored.

But Ways and Means could not return to the old Mills regime. Too many things had changed. It was not that individuals wanted to be insubordinate. They wanted to weave their interest into the committee as a whole. They wanted to have influence, to make a difference.

It was the job of the chairman to make it work, to create a new kind of consensus. Looking back at the last half-dozen years or so, you see a situation in which the chairman does not have the same old relationship with the minority on the committee as happened in the Mills era.

The chairman does not disregard the minority. He negotiates with Members of the House, with the White House, with Senate leadership, with party leadership, in order to avoid the situation in which individual Members can be peeled away one by one with the result that consensus is cracked.

Briefly, what are some of the tools available to the chairman today? One which I emphasize because it gets a bad name in the media, is inducements like transition rules. The special provisions that go into omnibus legislation which have been written in the 1980's. The media doesn't like it. But think of trying to put together a consensus in the 1980's where a chairman had nothing to offer the Members in order to secure their cooperation.

The 1980's are not only a decade in which Ways and Means continues to exercise extraordinary jurisdiction, but also a decade in which exercise of that jurisdiction comes with a penalty. The members of the committee are the people in the dock every year on the reconciliation bill.

This year, the magic numbers were $5.3 billion. You have been marking up a reconciliation bill the last few weeks, and 5.3 is branded in your minds. Think what it means to an individual Member to vote a $5.3 billion tax increase, if there were no inducement from the chairman to get Members to go along. The benefits distributed via transition rules are one tool the chairman has.

The second tool, I call controlled decentralization. Subcommittees today—you didn't have them 20 or 30 years ago—seem to have an extraordinary amount of autonomy just like on other committees, provided the legislation they produce is something the chairman finds compatible with his overall political interest; provided that it is within a budgetary ball park; provided it can win on the Floor.

The subcommittee is going to have an easier job getting it through the full committee and then the House if, when it fashions legislation, it takes the chairman's interests into account. In con-

trolled decentralization, the chairman is not in the room, but he is present in the room.

One final tool available to the chairman is the congressional budget process. Congressional budgeting means that now your environment has changed, you have to respond to somebody else's signal, that of budgetmakers.

Early on, even in the 1970's, the Ways and Means Committee recognized that it can relate to the new budget committees in one of two ways, as adversaries or allies. It started as adversaries. The Budget Committee was trying to establish a foothold and challenged Ways and Means and Senate Finance. There were a lot of tough moments.

Over the past decade, the two sets of committees have gravitated towards becoming allies. There is one aspect of the budget process affecting the Committee on Ways and Means: Control of the agenda. That is an enormous power that any chairman has, whether it is a social group back home or this very committee.

What the budget process does is to slightly weaken his control of the agenda. Consider how the events of recent days might have been played out differently if we could return to what the situation was 20 or 30 years ago, and say this is troublesome, divisive legislation, let's put it back in the drawer. It is a little harder to do so with the budget process.

Successful leadership of Ways and Means requires a personal style suitable for the times. Mills, Ullman, Rostenkowski, all have had different styles, and they all presided. Near the end of his distinguished career, Chairman Mills found the role he had so effectively played for almost two decades was out of step with the House's deep yearning for individualism.

Al Ullman tried with only limited success to find an appropriate niche for a chairman who had to lead without imposing his will on the committee or the House. Dan Rostenkowski has managed to walk a line between being a chairman expected to take charge and a chairman allowing other Members to develop their own reputations and track records.

One may admire the skill with which he has balanced these competing demands.

[The paper prepared by Mr. Schick follows:]

THE CHANGING PATTERN OF WAYS AND MEANS LEADERSHIP

(By *Allen Schick*, The Brookings Institution, and the University of Maryland)

"The chairman no longer has the tools to control Ways and Means . . . the chairman now has little to offer members as inducements to cooperate." [1] This dismal conclusion by congressional expert Catherine Rudder appeared in 1983, a time when many members of Ways and Means, as well as many others in Congress, looked back at the Mills era (1958–74) as the golden years of the Committee's effectiveness. In his prime, Wilbur Mills forged a consensus that protected the Committee and its legislation against outside challenge. However, a series of reforms in the early 1970's stripped the chairman of many of the tools he had used to keep rank and file members in line and to shepherd legislation through the House and conference. Mills was succeeded by Al Ullman (1975–81), who presided over a committee weak-

[1] Catherine E. Rudder, "Tax Policy: Structure and Choice," in Allen Schick (ed.) *Making Economic Policy in Congress* (Washington: American Enterprise Institute, 1983) p. 204.

ened by partisan strife and by adverse changes in the environment within which it operated.

When Dan Rostenkowski assumed the chair in 1981, his early record seemed to confirm the conventional wisdom that Ways and Means could no longer be guided by a strong leader. In his first year as the chairman, Rostenkowski lost a bidding war with House (and White House) Republicans, who substantially rewrote the $750 billion tax reduction (over 5 years) reported by his Committee. In 1982, the chairman withdrew from the fray and allowed the Senate to take the initiative on legislation that raised taxes and pared billions of dollars from medicare and other social programs. In that year, Ways and Means went directly to conference on the Senate-passed bill without first having the measure considered by the House.

Looking back to the 1981 and 1982 debacles, we can see them as formative experiences in the emergence of new patterns of leadership that restored the Ways and Means Committee to its pre-eminent position in the House. Since 1983, the Committee has produced a steady flow of significant legislation including that year's rescue of the social security system, the 1986 tax reform, and four major reconciliation bills. The 100th Congress (1987–88) was extraordinarily productive with three truly important measures emanating from the Ways and Means Committee—expansion of medicare catastrophic protection, the omnibus trade bill, and welfare reform—enacted into law.

This recovery in the Committee's effectiveness occurred despite the persistence of many of the factors that had weakened it in previous years. The reforms of the 1970's have not been repealed—though some of their impact has been neutralized—and partisanship has been sharpened by the split between a Democratic House and a Republican White House and fiscal stresses have compelled the Ways and Means Committee to take difficult, redistributive actions. Gone are the good old days when legislating typically meant parceling out benefits in the form of tax cuts and program expansions. In the 1980's, the dominant need has been to dispense losses, such as the revenue hikes and spending cuts prescribed by the annual reconciliation cycle. Of course, even in a period of financial difficulty, Ways and Means must still be responsible to expansionary pressures and it has become adept at inserting "sweeteners" into cutback legislation

Ways and Means has regained its status and effectiveness by resorting to a simple formula that worked for it in the past. Ways and Means is successful when the Committee controls the House and when the chairman controls the Committee. There is an interlocking relationship between the way the Committee conducts its business and the way the House reacts to matters reported to it by Ways and Means. The chairman is the critical link between the Committee and the House. By dominating one arena, he enables the Committee to be dominant in the other. He is responsible for whipping the Committee into a disciplined group and for persuading the House to accord special status to Ways and Means legislation. While Ways and Means is not the only committee whose floor success depends on internal cohesion, its extraordinary legislative jurisdiction places greater demands on leadership than is normally the case.

The next section of this essay examines the relationship of the Committee and House in terms of the jurisdiction assigned to Ways and Means. It shows how the relationship was destabilized by institutional reforms and other developments during the 1970's. Subsequent sections discuss the leadership tactics used in the 1980's to restore the historic relationship between the Committee and the House.

Jurisdiction as a Determinant of Ways and Means Behavior

To be effective, the Ways and Means Committee must harmonize the interests of rank and file members with the institutional need to act in a responsible and cohesive manner. Balancing individual and institutional perspectives is a problem faced by all congressional committees, but the task is complicated for Ways and Means by its vast and controversial agenda, its extraordinary capacity to apportion gains and losses, and the range of interest affected by its work. To put the matter simply, the job of making it into an effective group is potentially harder for Ways and Means, not because it is a weak committee but because it is a powerful one. There can be enormous incentives for members to capitalize on their Ways and Means affiliation and go their separate ways in writing legislation that benefits their constituents or satisfies their own political ideology. To counter this tendency, the Committee must convince members that the best route to individual power is through collective action and that each member's political effectiveness is enhanced by being part of a group that accomplishes its legislative objectives.

One impediment to collective action is the sway of interest groups; another is the pull of political ideology. There is little need to dwell on the obvious fact that the

Ways and Means jurisdiction is a strong magnet for interest group attention. One well-publicized feature of this attraction is the PAC money flowing into the campaign treasuries of Committee members. It could hardly be otherwise for a committee that has the constitutional initiative in revenue legislation, oversees the social security system that dispenses monthly payments to almost 40 million Americans, actively legislates for medicare (the fastest growing federal program) and has a leading role in defining the economic relationship of the United States and its trading partners. Ways and Means cannot act as if outside interests do not care about what it does or lack the capacity to influence legislative outcomes. The Committee cannot cavalierly insist that members disregard the strong pressures playing on them. Instead, it must be somewhat responsive to these pressures while striving to produce responsible legislation. To the extent that political responsiveness and legislative responsibility clash, the Committee must hold on to as much of the latter while giving in as little as possible to the former. Tradeoffs between the two can be messy and are not likely to earn the plaudits of editorial writers but they are an essential part of Ways and Means leadership.

The Committee's jurisdiction is also a magnet for ideological rifts. The matters in its sphere of influence have occasioned some of the great fissures in American political history and continue to provoke deep divisions. Through the 19th century and beyond, the tariff was the great divide between the parties and regions. Trade is the contemporary version of this perennial issue, and it often pits the President's assumed role as a spokesman for free trade against protectionist pressures in Congress. Now, we generally think of social security as one of the settled policies of American politics but in 1935, it was *the issue* between Democrats and Republicans. Even today, social security remains such a potentially explosive issue that politicians must handle it with great discretion and sensitivity, especially when there is talk of budget cutbacks. The issue of how government should best assist low-income persons has long divided liberals and conservatives; the opprobrium attached in the public mind to the word "welfare" attests to the difficulty of making policy on this question in a calm manner. Finally, Ways and Means has charge of revenues, a matter that can be highly contentious even when there is room to cut taxes, but can blow up into super-heated conflict when there is a need to increase them.

The Committee's jurisdiction would lead one to expect Ways and Means to be among the most fractious committees in Congress. With so much to fight over, is there any compelling reason for Members to set aside their differences and act in a sufficiently cohesive manner to advance common legislative objectives? Judging from the Committee's record for most of the postwar period, the answer is yes. Members do have an incentive to seek common ground for they recognize that their own legislative influence is dependent on that of the Committee and its chairman. At the least, partisan conflict must be cooled so that issues taken to the floor are not fought over in stark Democratic versus Republican terms. It is the nature of Ways and Means business that in the course of developing legislation there may be many party line votes. But Members know that these partisan differences must be narrowed for the Committee to produce enactable legislation.

Restrained partisanship—the label ascribed to this form of behavior by political scientist John Manley—doesn't just happen.[2] It must be actively promoted by the chairman whose most critical task is to sufficiently dampen partisan and ideological rifts so that the legislation reported by Ways and Means can move forward. Closing ranks in committee is essential not only for reporting legislation but also for assuring reasonably smooth sailing in the House. If the Committee were torn by ideological or partisan warfare, the odds are that the House will be similarly divided, and the risk of the Committee's legislation being rejected or rewritten on the floor would substantially increase.

Here is where the chairman's leadership is critical. It is the chairman's job to manage the sprawling agenda and mold members into a cohesive group. To do so, he has to take charge in committee and he has to win in the House. He must convince members that the most reliable route to legislative success is to be disciplined in committee. He must sell Members on the idea that their status and effectiveness is intertwined with his success, that if he loses control of the committee they lose control of their legislation.

The chairman has to be the boss, but he cannot act in a bossy manner. He cannot project an image of being arbitrary and uncaring, nor can he ride roughshod over the things that really matter to rank and file members. He must be attentive to

---

[2] John F. Manley, *The Politics of Finance: The House Committee on Ways and Means* (Boston: Little, Brown & Company, 1970).

their interests not only because he needs their votes, but because he needs their deference even more. In the end, the legislation emerging from the Committee will have the chairman's imprint but it will in fact be an amalgam of many influences. Having accommodated members in Committee, the chairman can confidently go to the House, get a closed rule, and guide the measure through the chamber intact.

The Mills consensus

Wilbur Mills was a chairman who fit the particular needs of the Ways and Means Committee. He was comfortable with acting in a consensual manner and he was determined to uphold the power of the Committee. Losing did not come easy to Wilbur Mills, and he would do a lot to avoid that outcome. The worst of all possible defeats would be at the hands of the House, for it would be rejecting not only his legislative recommendations but the Ways and Means Committee and its chairman as well. To avoid losing, Mills guided the Committee so as to get its way on the floor. He would defer Committee action on measures whose floor chances were unfavorable until a sufficient consensus had formed to enable him to move forward.

Just about everything Mills did in Committee was oriented toward the forthcoming consideration by the House. He sensed that the surest way to prevail on the floor was to have solid support in Committee. "I think," Mills confided in a 1967 interview, "if I can get a vast majority of the membership of the Ways and Means Committee to agree upon something, that I've got a vast majority of the House agreed upon the same thing." [3]

Leading by consensus, Mills was always in charge but he rarely threw his weight around. His style was to persuade fellow members, not to strong arm them. Mills would often sit silently through Committee discussions, listening to the flow of arguments, and making his own views known only when a consensus had begun to form, or when his intervention would be helpful in ironing out differences. It was in this sense that Mills was a great leader by being a good follower. To be sure, the Committee's bill usually was shaped by his views, but not to the extent of jeopardizing floor success. Consensus-building was abetted by the Committee's practice, especially in tax legislation, of discussing concepts rather than marking up specific provisions. Without a draft bill before them, Members were encouraged to talk until they felt comfortable with a set of ideas, which were cast into legislative language only after general agreement had been obtained on how to proceed.

Mills' style was so oriented toward consensus that one could rarely be sure of where his influence ended and the rest of the Committee's began. The media understandably saw the strong hand of Mills in everything done by the Committee, for it was he who would articulate the emerging consensus or put the final touches on legislation previously agreed to in principle. But as a consensus builder, Mills never strayed far from what he thought Members would be comfortable with or what they would support. Hence, when he took legislation to the floor, Mills could be confident that most Committee Members would rally behind him.

For consensus to thrive, Ways and Means had to be stocked with members who would, to paraphrase Sam Rayburn's famous remark, get along and go along. Care had to be invested in the selection of new members and in introducing them to the norms of the Committee once they were on board. Freshmen were not—with the single exception of former Committee member George Bush—invited to join because their political temperament was not yet tested. Ways and Means was not the place for upstarts who came to Congress hellbent on quickly building a track record of their legislative accomplishments. Members from safe seats were preferred, because they could be relied on to turn a deaf ear to local demands. The membership had to reflect, with some exceptions (such as the oil depletion allowance) the political composition of the House. A committee which was a cross section of the House, Mills insisted, would have a good chance of getting its legislation approved.

With Mills in charge, Ways and Means operated without subcommittees. With all matters taken up by the full committee, Mills could keep a careful watch on developments without any threat of being outflanked by colleagues pursuing their own agenda. If an issue proved to be contentious, it would be set aside, so that other business could proceed. The lack of subcommittees encouraged members to identify with the interests of the full committee rather than with the particular policy area in which they specialized.

Maintaining consensus required that partisanship be muted. Mills accomplished this through his relationship with John Byrnes, the ranking minority member and by giving Committee Republicans ample opportunity to influence the legislation.

[3] Ibid., p. 113.

What Mills wanted—and often got—were lopsided committee votes to report the legislation.

With consensus nailed down, Mills could request a closed rule protecting the Committee's bill against floor challenge. During the Mills era, about three-quarters of the Committee's bills and virtually all of the important measures, came to the floor under a closed rule. A closed rule undoubtedly gave Mills and the Committee a big advantage over those who wanted to amend the legislation. But there was an implicit *quid pro quo* in permitting a closed rule: Mills would bring in bills that generally reflected the sentiment of the House. If the House felt that the legislation did not meet this standard, it could vote down the rule. That it didn't, reflected the skill with which Mills built a Committee consensus that represented the House's own views.

The revolt of individualism

Looking back at the early 1970's, one is struck by the anomaly of a chairman who had been so keenly attentive to the mood of the House being so out of step with the attitudes of the parent chamber that it unleashed a series of reforms aimed at weakening the Ways and Means Committee and changing its behavior. The last years of the Mills era were dominated by a broad attack on the Ways and Means Committee and its chairman. Ways and Means was compelled to take on subcommittees, open its meetings, and add staff. The Committee was stripped of its role as the Democratic committee on committees and it lost a slice of its legislative jurisdiction. Procedures were introduced for compelling an open rule and for subjecting the Ways and Means chairman to selection by party caucus. While the reforms were still underway, personal crises forced Mills to resign the chairmanship and retire from the House.

However, the attack had little to do with Ways and Means' responsiveness on legislative matters and all to do with its accumulated power. The objective of reform was to redistribute legislative power, not to advance a particular agenda. The reforms were directed at all legislative concentrations of power. As the most powerful House institution, Ways and Means bore the brunt of the drive to distribute greater power to individual Members of the House.

The attack on Ways and Means was not a case of revolt in the ranks; the reforms were launched from outside the Committee. Moreover, the attacks came during a period of heightened Committee responsiveness to changing political attitudes in the House. Despite his strong opposition in previous years, Mills led the Committee to enact medicare and medicaid legislation, and he also presided over a Committee that established the revenue sharing program and expanded social security benefits.

It was the triumph of individualism which turned the House—or more precisely, the Democratic Caucus—against Ways and Means. No matter how responsive it had been to legislative demands, the Committee's consensual style had to go because it gave primacy to disciplined group values over the unfettered rights of individual Members. A consensual Committee was oriented to success in the House; an individualized Committee would have to be responsive to the Democratic Caucus. Of course, in coming under the influence of the Caucus, the Committee could no longer hold on to its cherished bipartisanship.

On paper, one might have expected Al Ullman, Mill's successor, to have an easy time satisfying Caucus demands and getting Committee legislation through the House. In the aftermath of Watergate, the Democratic majority swelled in the House. In both the 94th and 95th Congresses (1975–79), House Democrats outnumbered Republicans by more than 2 to 1. This numerical superiority led to a change in the formula for dividing Ways and Means seats between the two parties. The Democratic margin on the enlarged Committee rose from 5 seats (15–10) to 13 (25–12). With the capacity to outvote the Republicans, the Democrats should have been able to put together an effective coalition without having to rely on the minority.

Ullman operated on the assumption that he could make do without Republican support and he abandoned his predecessor's practice of involving them in the development of legislation. Having no sense of proprietorship in the Committee's work, the Republicans defected in droves. "When Ullman asks us for votes," Ways and Means Republican Barber Conable admitted, "the answer is usually no because we've given little input." [4] For their part, the Democrats saw efforts to go after Republican support as futile. "On every important bill we've had," Ullman complained, "they've always had a reason for being against it." [5]

---

[4] Juan Cameron, "And They Call It the Most Important Committee in Congress," *Fortune* vol. 93 (March 1976) p. 142.

[5] Tom Arrandale, "Ways and Means in 1975: No Longer Preeminent," *Congressional Quarterly Weekly Report*, vol. 34 (1976), p. 44.

Reliance on the Democratic majority proved inadequate for developing passable legislation. In an age of individualism, the Democrats could not be held together as a cohesive group. With the Committee's vaunted consensus sundered by intensified polarization of the parties, individual Democrats could be isolated by lobbyists who now had greater access to the Committee's deliberations. Once its consensus was shattered, Ways and Means was treated by the House almost like any other Committee whose legislation was only a recommendation that could be recast to suit the preferences of the larger membership.

Losing did not bother Ullman. "I don't worry about being defeated on the floor," he said in 1976.[6] Perhaps this was only a concession to the realities of the times, but it may also have contributed to a further weakening of the Committee. A Committee that didn't care about losing would lose, not only on legislative matters but also the special status it had enjoyed in the House. Even more importantly, its own members no longer saw Ways and Means as having a special claim on their loyalty and support. In this individualized setting, the chairman became just one of the players, doing his own thing as other members did theirs. The image etched in history of Ullman's leadership is of the chairman convening the Committee to explore the possibility of a value-added tax. As members distanced themselves from him, the chairman was left all alone, to take the full brunt for a courageous review of an important issue. The chairman had not sheltered the Committee and, in the end, it did not shelter him.

The Rostenkowski style

Dan Rostenkowski inherited a Committee riven by partisan conflicts. The 1980 elections diminished the Democratic majority in the House, gave the Republicans control of the Senate for the first time in a generation, and placed Ronald Reagan in the White House. This lineup was not a prescription for bipartisan cooperation, especially since Reagan had campaigned on a platform to undo decades of Democratic policies. The Republicans were challenging the orthodox economics that had shaped tax legislation since the 1950's. With the Keynesian consensus crumbling, economics became a babble of conflicting theories and Members of Congress embraced different schools of thought. The Ways and Means Committee could count among its ranks Keynesians, supplysiders, and others.

The schisms in economics mirrored the disarray in the economy. Two oil shocks, the coexistence of high inflation and high unemployment, and other economic ills led to inconsistency in government policy. Tax legislation became more frequent and more contentious as taxpayer discontent, spurred by bracket creep—which raised the marginal and real tax rates of millions of Americans—spread from the States to Washington. Congress had to act, but there was no consensus on what should be done.

It was in this environment that the new chairman faced his first major challenge. During preliminary discussions on the 1981 tax legislation, the White House flirted with the idea of negotiating a deal with Rostenkowski. But once the President fully committed himself to the conservative position on this issue, presidential aides rebuffed overtures from Rostenkowski and he was forced to work in the same partisan manner that Ullman had preferred. But there was one big difference between the two situations. Ullman dealt with a weak President of his own party; Rostenkowski had to reckon with a strong President of the opposing party. Although the times were very different, Dan Rostenkowski wanted to win. This consuming drive to win led Rostenkowski into a bidding war for the support of "boll weevil" Democrats. He bargained, made concessions, and sweetened the tax cuts only to find that the Republicans had plucked off needed Democratic votes by outbidding him.

Rostenkowski learned what was already evident from his predecessor's difficulties: a consensus limited to the Democrats on Ways and Means may not be sufficient to carry the day. This lesson was driven home in 1982 when Ways and Means Democrats rejected a revenue-raising package proposed by the Chairman.

What happened next is instructive for what the chairman did not do. He did not turn to Committee Republicans in 1982 and deal directly with them. Instead, Rostenkowski learned that the key to winning was to make a deal with the Republicans who could deliver the votes. He let Senate Republicans take the initiative and then bargained with them. On most issues since 1982, the key deals have been struck with the White House.

A variety of routes have been taken to bridge party differences on major policy issues. The bipartisan Greenspan Commission was used to assemble the social security package in 1983; the 1986 tax reform was endorsed by President Reagan and

---

[6] Cameron, op. cit., p. 148.

then given a bipartisan tint in the chairman's "Write Rosty" campaign; the 1988 catastrophic insurance legislation was launched by a Republican Secretary of HHS who skillfully maneuvered to obtain White House support and then looked somewhat favorably on efforts of congressional Democrats to sweeten the package.

The relationship of Ways and Means Democrats and Republicans falls somewhere between the consensus of the Mills regime and the partisanship of the Ullman years. One can divide this relationship into three categories: interpersonal matters, tax policy, and other legislation. Rostenkowski is at ease in interpersonal relations. He knows that a generous word or a kind gesture can go a long way in getting people who disagree to share common legislative objectives. He wants all members to share in the pride of being on the Ways and Means Committee. The Committee's annual retreat brings Democrats and Republicans together in a relaxed atmosphere where they can discuss pressing public issues without being divided by pending legislation or public votes.

Taxes have been, however, a polarizing issue in the 1980's. No one on the Committee can ignore the plain fact that the two parties have often been on opposite sides of the issue during the 1980's. Nor can they ignore the obvious fact that the only way to bridge the party differences is to make a deal with the White House. Taxation is special for yet another reason. It is the generic power of the Committee on Ways and Means, the source of all its other powers. When Ways and Means was compelled to establish subcommittees, the chairman retained tax measures (except for minor ones) for the full committee.

The chairman knows that the White House can usually deliver the necessary House Republican votes to close a deal on taxes, but he also knows that House Republicans cannot commit the White House. It is logical, therefore, for the chairman to caucus with fellow Democrats and to negotiate with the White House rather than with Committee Republicans. This tactic almost backfired in 1985, however, when House Republicans voted against the rule on the tax reform legislation. The Republicans resented being taken for granted by their own President and being ignored by the other party. Despite this, it took little more than a presidential trip to Capitol Hill to corral sufficient Republican votes for the rule.

Bargaining with the White House suits the chairman's interpersonal style and comports with his view that the country should be led by a strong President. Rostenkowski is from an older, presidentially-oriented generation of congressmen. He is comfortable with the President taking the lead on important matters. But he also believes that Congress should not rubber stamp presidential proposals. To him, the tax reform legislation is a model of the proper roles and relationships of the two branches.

In considering other legislation, a more fluid relationship between Committee Democrats and Republicans is possible. Republicans are active and often quite influential on matters considered in subcommittee. They participated in discussions on welfare reform, catastrophic insurance, and trade legislation and had some success in getting their ideas into the Committee bill. Nevertheless, Rostenkowski knows that in an age of divided government, the wrap-up deals can only be struck with the White House, and he is prepared to offer concessions to avoid a presidential veto.

The New Tools of Leadership

Today's Ways and Means chairman cannot control the Committee the way Wilbur Mills once did. Yet he cannot afford to lose control. In his role as the dealmaker, he cannot obtain favorable terms or get the Committee to back up any agreement he reaches unless he bargains from strength.

Many of the instruments of power wielded by Wilbur Mills are not available to the current chairman, but a number of new ones have taken their place. Three devices for leading the Committee are discussed here: controlled decentralization of the committee, transition rules and other special provisions in omnibus legislation, and congressional budget procedures.

Controlled decentralization

Various observers have noted that in contrast to Al Ullman, who permitted subcommittee chairmen to hire their own staff, Dan Rostenkowski has reclaimed custody of most subcommittee staff. The recentralization of staff is an unmistakable message that the chairman runs the Committee, but one should not leap from this to the conclusion that the chairman has recaptured full control of the legislative agenda. With the important exception of tax matters discussed previously, Ways and Means operated in a decentralized mode. Much of its legislative work is done by subcommittees and, as happens elsewhere, the full committee often makes only small adjustments in the recommendations presented to it.

There is not all that much difference between subcommittee markups on Ways and Means and on other committees. Each subcommittee has its particular area of specialization, and each operates in relative isolation from the other subcommittees. As a result, it is possible for work on a number of bills to proceed concurrently in several subcommittees. But, despite their apparent autonomy, the subcommittees operate under a regime that can be characterized as controlled decentralization. This term is meant to suggest that while each subcommittee proceeds on its own, there is considerable central guidance with respect to the overall policy direction of the Committee. The chairman delegates but with an expectation that the subcommittee's product will be compatible with his general policy preferences, that it will abide relevant budget constraints, and that it will not cause political problems. If a subcommittee proceeds on this basis, it will have a relatively free hand to fill in the details of legislation as well as the expectation that the full committee will give positive consideration to its recommendations.

Although they were not permanent subcommittees, the task forces set up by Rostenkowski during the Committee's work on tax reform in 1985 reflect the chairman's preferred mode of operation. Big issues—such as the deductibility of state and local taxes—were handled directly by the chairman. But within its assigned area, each task force had a great deal of discretion in settling less important details, provided that the total revenue impact of their recommendations was in line with the chairman's expectations.

Controlled decentralization is a compromise between prereform concentration of power in the chairman and the reform objective to allow rank and file members a full voice in legislative policy. In an age of budget constraints and hard choices, delegating some of the details to subcommittees enables the chairman to avoid being fully implicated in them. It is not always advantageous to be the person saying no or making the tradeoffs. At the same time, keeping some distance from specific provisions gives the chairman and the Committee some additional room for maneuver if pressure builds for modification in the legislation recommended by the subcommittees.

Transition rules and other special provisions

The chairman cannot be totally oblivious to the fine print in legislation. Details are the stuff of legislative life. What might seem trivial to someone taking a grand look at policy might be among the most important issues facing a particular Member. Seemingly minor provisions can be especially important when legislation parcels out losses.

An effective leader has to be able to offer inducements for the rank and file to cooperate. While journalists often rail against these side payments, they are essential in a well-functioning legislature. Dan Rostenkowski appears to be especially comfortable in trading with side payments. He sees nothing wrong with the practice and is not inhibited about bargaining for support. He treated tax reform, journalists Birnbaum and Murray observe, "like any other tax bill. Deals had to be cut to keep the special interests from overwhelming the effort; votes had to be paid for with favors and special tax breaks." [7] Rostenkowski is willing to pay a reasonable price for support and—perhaps even more important in cementing strong ties with Committee members—he is willing to do a good turn for colleagues whose loyalty is already secure. If he asks for a colleague's support and gets it, that person will be remembered when the final details of the legislation are settled. If he asks for it and is turned down, that person would know that the chairman keeps score.

The chairman has two resources at his command: general provisions which apply to a class of people impacted by the legislation; and narrowly drawn provisions affecting only a few persons. If they provide benefits, the general rules can be quite costly; hence, in a constrained budget environment, the chairman, and the Committee itself, are severely limited in the amount of these concessions that they can write into legislation. Despite the bad press they get, narrow provisions, such as the "transition rules" provided in tax reform, have been favored in recent years. These rules originated as a protection for certain taxpayers who had acted on the basis of provisions in old tax laws against changes made in new legislation. In recent practice, transition rules have been broadened to provide preferences to other taxpayers as well.

The preferences dispensed in transition rules are similar to those granted in prereform days in "members bills." These separate bills have become rare in the 1980's, but the practice of providing relief to particular taxpayers has been institutionalized

[7] Jeffrey H. Birnbaum and Alan S. Murray, *Showdown at Gucci Gulch: Lawmakers, Lobbyists, and the Unlikely Triumph of Tax Reform* (New York: Random House, 1987) p. 36.

in the transition rules. These rules have several advantages which account for their extensive use in tax legislation. First, by packaging them with broader legislation, the relationship between supporting the measure and obtaining the relief is made direct. Second, transition rules and similar special provisions are typically controlled by the chairman; he decides who gets them. Third, one can tally up the total cost of these provisions and assess them in the light of the overall legislation in which they are placed. Thus many reformers considered the $10 billion of transition rules provided in the 1986 tax reform a reasonable price to pay for the major benefits that were enacted.

Congressional budget procedures

During the 1970's, congressional reform was not the only challenge to the old ways. Budget reform was also in the air and it established a new process that had the potential to weaken the Ways and Means hegemony in tax policy and other budget-related legislation. The question left unsettled by the bare terms of the 1974 Budget Act was whether the new budget committees and the process they manage would become allies of the tax-writing committees or rivals for legislative power. In the late 1970's, the budget committees sought greater influence in tax legislation, but they were strongly resisted by the Senate Finance Committee which had the most to lose from interference with its traditional role. In the 1980's, there have been truly significant changes in the Senate's approach to tax (and other) legislation. While these changes need not concern us here, they have generally simplified the task of the Ways and Means Committee in shoe-horning tax and spending legislation within the confines of congressional budget decisions.

In the House, the Ways and Means Committee has learned how to live with budget constraints, such as reconciliation instructions, and it has even learned how to game the process to its advantage. The Committee knows that it cannot be indifferent to the budget deficit and the recurring pressures for tax increases and spending cutbacks. In 1985, it legislated tax reform under the principle of revenue neutrality, and in 1988, it legislated an expansion of medicare under the principle that the potential beneficiaries of catastrophic insurance should bear the full cost of the new protections. It moderated the scope of welfare reform to fit presidential and other demands for a low-cost approach. Half a dozen times in the decade, it responded to reconciliation instructions with legislation meeting the prescribed targets. While in recent years, there has been an increased tendency to meet targets through bookkeeping adjustments and other tactics, one cannot deny the Committee's official fidelity to budget constraints.

These constraints have significantly enhanced the chairman's leadership capacity in the Committee and in Congress. The chairman has a lead role in defining what are reachable reconciliation targets for his Committee and he is the dominant House negotiator in conferences with the Senate at which the specifics of legislation are hammered out. While it is not new for tax legislation to be "written in conference," this practice seems to have spread to the full range of Ways and Means legislation.

In the Committee, the need to respond to budget targets or to limit the cost of new legislation to an acceptable amount boosted the control exercised by the chairman. As noted earlier, meeting targets and limiting costs are among the key expectations transmitted to the subcommittees by the chairman and one of the tests used in reviewing subcommittee recommendations.

Successful leadership of the Ways and Means Committee requires a personal style that is suitable for the times. Mills, Ullman, and Rostenkowski have had very different operating styles, but they also have presided under very different conditions. Near the end of his distinguished career, Wilbur Mills found that the role he had so effectively played for almost two decades was out of step with the House's yearning for individualism. Al Ullman tried with only limited success to find an appropriate niche for a chairman who had to lead without imposing his will on the Committee or the House. Dan Rostenkowski has managed to walk a line between being a chairman who is expected to take charge and a chairman who lets members develop their own legislative reputations and track records. One may admire the skill with which he has balanced these competing demands while also being thankful that the House has itself returned to a more balanced view of the relationship between institutional effectiveness and individual self-expression.

PANEL DISCUSSION

PARTICIPANTS:

THE HONORABLE DAN ROSTENKOWSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS;

THE HONORABLE BILL ARCHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS;

THE HONORABLE WILBUR D. MILLS, A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

THE HONORABLE THOMAS BRADFORD CURTIS, A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI; and

THE HONORABLE JAMES C. CORMAN, A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Jones. We have a terrific panel to discuss the Ways and Means Committee from the inside. Now we want to get some comments from these panelists. I would like to start with Chairman Mills. Was it easy to do?

Mr. Mills. There was nothing easy about the job in those days when I went on the committee. I had the desire from the very beginning to be on Ways and Means. One of my most admired friends from my State had served on it for a number of years. He died in 1928. His wife was elected to succeed him. He would come by the office where my father was and visit with him, and tell him what had gone on in legislation.

When I was 8 or 9 years old, he would put me on his lap and say, "A.D.," my father's initials, "I think your son has the makings of a Congressman." I think if I told my father I wanted to go to law school to qualify to go to Congress, he would not have let me go. He wanted me to be a businessman, to follow in his footsteps. That is a little background.

Today, I wonder how long it takes a person to make up his mind what he wants to do. I cannot think of any other reason for wanting to go to Congress than that. Had I known what I was getting into, I think I would have wanted to go, anyway.

I always loved to serve people, be with people, talk with people, frankly. I know I had one trait that I always referred to, I never accepted honorarium. I could have gotten quite a bit of money, I guess, but I said I didn't want people to pay me $1,000 for a $100 speech. I didn't do that.

There are many things I didn't do, but I did finally get to drinking and that brought disgrace to me and disappointment for many of my friends. For that, I still apologize.

I was out in Oregon following Al Ullman's defeat in November. I was speaking to an alcoholics meeting. When I got in to town, the State Democratic Committee was in session. They asked me to come talk to them. I went out and visited with them a little bit.

I was surprised to find that Al's advocacy of the value-added tax had nothing to do with his defeat. I knew Oregon was opposed to sales tax, and I supposed that was why he was defeated. They said Al just didn't come home anymore. I warned him earlier about not going home and not letting his job here cause him to be away from home when he should be there campaigning.

I thought Al did an excellent job as chairman, not quite as good a job, I must say, as the present chairman. I always thought Dan

was big enough physically and mentally to be chairman, and he had the ability to make people think he was even bigger than he was. I knew that he had the makings of leadership, and his Mayor told me way back, years before, that he was great material for the Ways and Means Committee, and he wanted to see him on the committee.

He has turned out to be one of the very best the committee ever had. I have to think back, 25 Members, 15 Democrats and 10 Republicans, never once did we have—I think I am right—I don't believe we ever had a meeting, even when the Republicans were in charge of the committee, when it was just Democrats or just Republicans. I guess it was because we didn't want to start out with so many Members against us.

We thought if we excluded the Republicans, they would be against us because they were not in the process at the very beginning. When I went on the committee, Sam Rayburn and John McCormack were in positions of leadership. I had great respect and admiration for them, as I did all the old Members of the House.

North Carolina and Virginia had almost all the chairmanships of the House. I noticed the New York Times editorialized why Arkansas had so much influence in the Congress compared to New York State. It was very simple. Arkansas people had the sense to reelect Members. New York State didn't do that.

In the committee, I felt I was doing all the work. I was not, but I used to think I was. The Members were loyal, they worked hard. I was tired at the time. I told Carl Albert in 1974, just before I went home to campaign, drunk, that I was not going to run for chairman of the committee when I got back, I was tired.

One of the great mistakes I made was appearing before the committee that had been established in those days to review the structure of committees. I went to the committee and advocated the establishment of subcommittees. Those on the committee in 1971 remember when we first met, I asked the committee to allow me to appoint subcommittees.

They said everything is going along fine, just forget it. But I did go to the Julia Hansen committee and recommend the establishment of subcommittees. As I look back, it didn't work as I thought it was going to. I never saw such an increase in staff as has happened. It is understandable.

The minority has to have staff. The majority has to have staff. Full committee staff is not enough. I wonder how difficult it is to get 200 Members to agree on an item compared to 25? I have often said that had Congress wanted to pass Carter's energy proposal, they never would have been able to do so.

It went to too many committees and too many subcommittees. When you get as many as 200 people on a conference, I don't know how you can come to a conclusion. It is impossible to legislate, in my opinion, with some of the changes that came about, all of which I think I voted for.

When I look at the problems today that exist caused by actions of the Congress when I was here, I want to apologize every time I speak to people down home about the way we treated them. But it was difficult to legislate, there is no question about it.

I know one time, just to give you an example, one time I got beat on the Floor, a motion to recommit offered by my good friend John Byrnes, not thinking he was going to win, but he was provoked at me about something.

He offered a motion to increase the benefits in Social Security, the cost-of-living increase. I didn't realize that the Democratic and Republican Parties, at their conventions, had both adopted a platform, a proposal suggesting and recommending it.

I thought on the Floor, if you pass this number, be alerted to the fact you will never in the future have the opportunity of increasing Social Security benefits. I knew this was going to cause the defeat, because every two years, we got benefits from increasing it.

But only 35 Members voted with me. That shows how difficult it can be to get Members to recognize the truth of some things. I just mentioned some of those things to remind you the situation has not changed.

Thank you very much.

Mr. Jones. As I recall, they recognized the truth more than they did not.

Mr. Mills. I guess.

Mr. Jones. Representative Corman, can you talk to us about committee leadership? You served with two chairmen—and you were a subcommittee chairman yourself. Let's also discuss the effects of reform.

Mr. Corman. I had the privilege of serving under subcommittee chairman Rostenkowski for four years on the Health Subcommittee, so I have really served under all three chairmen.

It seems to me that the difficulty and the importance of the committee is that it must initially make the hard decisions that have to be made by the Congress. While most of the other folks decide who gets money, the Ways and Means Committee decides who pays the bill. That is hard to do. There are many conflicting interests and the job of establishing equity among them is done by the Ways and Means Committee.

Another consideration, not quite so difficult but always before the Committee, is setting the lowest living standards in this country. The committee establishes how well the poorest of us will live. That is hard because most people are not poor and the people who are poor are not politically active. That adds a difficult political dimension to these decisions.

A concern that has been with us since it all started 200 years ago is balancing the interests of the American consumer and the American worker. The committee has to do all of those things all the time.

You asked about reforms. I never saw any virtue in any of them. I once told Dave Obey and Dick Bolling that, after working with their reforms three years, I knew exactly how the Pope felt about Martin Luther. The openness, which was the craze of the seventies, proved to be unworkable. The committee has very wisely abandoned that reform.

The subcommittees probably have, on the whole, been a plus. The growth of the staff, it seems to me, has been a two-edged sword. Large staffs make Members more aware of the issues and what is behind them. But it is my observation that too often staffs

make decisions and the Members who were elected by the people are the ones who should be setting policy.

Part of that, I suppose, is what is described in Alvin Toffler's "Future Shock." The work of the committee and the Congress seems to escalate with every new problem that is presented. But I believe it is still the prerogative and duty of Members to make decisions themselves.

When all the rules are laid down and the procedures are shifted from here to there, the fact of the matter is that the committee is only as good as its Members, and more importantly, as good as its chairman.

I would agree with those who have said that the committee has never had a better chairman than it has right now. He has the leadership ability of Wilbur at his best. For that we should all be thankful.

Mr. Jones. Thank you.

The jurisdiction of this committee is money. Money is a very partisan issue in all its aspects. We political scientists spend a fair amount of time studying majority leadership on the committee, and often we concentrate on the role of the chairman.

But there is also a minority on the committee, and there is very little learning, it seems to me, that we have about the role of the minority.

I would like to turn to Tom Curtis, who served on the committee for some time, to talk about that subject, what it is like to be a Republican, and then turn to Bill Archer, the current ranking Republican on the committee.

Mr. Thomas Curtis. I started out a Member of the majority of the last Republican Congress, so we controlled the Ways and Means Committee. Dan Reed was chairman. After Dan came Jerry Cooper. Both of them had subcommittees. When Wilbur came in, we did not.

I think I understand Wilbur's reasoning, it was good reasoning. I am disturbed and have been for years about our political science profession. They have been trying to figure out what these "pressure" forces are without ever mentioning the facts and fair arguments surrounding the issues.

I served 16 years. I don't think I had any influence other than the research that I tried to do. We had a great staff on the Joint Committee; Mr. Stamm, it was professional. Then when Mr. Stamm died, his successor came up through the ranks, Larry Woodworth.

I was asked—this was a rare thing I guess, I had not thought about it much, but when the Republicans were going to control the Congress, I had the Chairman of the Ways and Means Committee, Dan Reed, and the Chairman of the House Appropriations Committee, John Taber, ask me if I would serve on their committees. I had a choice, and I chose Ways and Means.

Incidentally, I was a chairman of a subcommittee on how to tax mutual and stock insurance companies, and my ranking minority member was Wilbur Mills. I think that is the only time he ever had the experience of being in the minority. We started out on H.R. 1.

The committee I sought to get on, and I was lucky and got on it, was the Joint Economic Committee. It had been dominated by Banking and Currency Members. Wilbur Mills was on that committee with me. I remember the great study we made under the leadership of Norm Ture. I wish some of our political scientists would read the facts and arguments around the issues.

Believe me, you can get things done properly. I have a little plaque on my office wall. After leaving Congress, I became General Counsel of one of the great encyclopedia companies. We had a tough tax problem.

We figured that the Treasury Department was wrong, and that we would have to go to the Tax Court. I said, well, that is going to take us a good bit of time. They said, have you got an alternative? I said, yes, I think we are right. I think the Congress will see that we are right. If you will prepare for me, and I will work on it with you, a brief that is equal in scholarship to what you prepare for the Supreme Court, we can get it through in a year, which we did. That is where I will leave it.

Let's talk about the facts, the arguments and the study. Wilbur Mills, you are too shy, you were a great student and you encouraged scholarship. That is why we won on the Floor of the House. If we lost, we probably should have, but we did not lose many. We really tried to get to the issues.

The Ph.D.'s can help us if they will.

Mr. Jones. I won't call for a vote on the political scientists.

Representative Archer, if I am correct, you have now served over 16 years on this committee, 12 of those years with Republican Presidents and Democratic Chairmen. How do you manage that?

Mr. Archer. The Presidents have not been a problem. I can't help but say, Wilbur, I so greatly enjoyed my service on the committee under your chairmanship. You and Dan Rostenkowski are two of the greatest legislative leaders that I have been privileged to know in the years that I have been in the Congress.

But I must say that whereas reelection in your day and time was the pathway to power, reelection today is a sin. Too many incumbents get reelected, if you read the newspapers, and it is a transgression rather than an asset.

Leadership is a very impalpable subject. It controverts individualism. This country is founded on the worth of the individual, free spirit, free speech and free thinking, which is part of every one of us, and to which we are entitled, but a leader has to have a lot of followers, or he is not a leader.

In this day and time, subsequent to the 1974 elections, followers are hard to come by in the Congress. It has been essential, as Allen said, but the closed rule makes it essential that we have consensus on the committee.

This committee has operated over the years with far greater consensus building, far greater regard for the minority than any other committee in the Congress. For that, I am deeply grateful.

I think our current chairman realizes that to take a bill to the Floor without a majority of Republicans on it is perhaps charting a course for major problems on the Floor, as you said, Allen.

Bound into this effort to build consensus, which Wilbur Mills did so magnificently when he was chairman, comes the importance of

staff cooperation. This committee is one rarity in the Congress, because the staff on both sides works so well together.

They are not always in agreement, but with a respect for each other and a straight-from-the-shoulder communication, so that no one is blindsided. Coupled with that, someone mentioned the Joint Committee staff. That is another great asset to this committee that permits leadership and permits accomplishment, because it not only pulls together both the minority and the majority sides, but it also pulls together the Senate and the House.

It is enormously important. Our committee, as has already been said, has tremendous responsibility. Most people in the country realize that being on Ways and Means means we have to tax, we have to find the ways and means to find the money for the spending committees, but very few people understand that we spend 50 percent of the Federal budget, roughly, so we have an enormous responsibility.

I think Allen was the one who said that we had a controlled fragmentation. I would say we had compelled fragmentation in 1973, when we were forced to break up into subcommittees and it changed the working of the committee. It was very difficult for Al Ullman to deal with that.

In 1981, when we passed the major tax act in Reagan's first year, my prediction was that the committee would no longer be desirable for membership, that we would have very few Members who would be clamoring to get on the Ways and Means Committee. Why?

Because we put a reform—indexing—into the law. With that indexing, it meant there was not any automatic profit to the government any more every time inflation went up. We had goodies to pass on, because we had all this extra revenue rolling in every year.

I have been quite surprised there is still a clamoring to get on the Ways and Means Committee. I will reflect back for a minute to a time that almost preceded. I got in on the tail end of it, but one of the great aspects of leadership that was part of the Ways and Means Committee that nobody has mentioned was the power of the Ways and Means Committee to appoint all the committee assignments for all the Democrats in Congress.

Believe me, that gave you a lot of clout that the committee chairman does not have today. I am not saying that you abused it or anything else, but nevertheless, it was an advantage to the Ways and Means Committee.

We never had that on the Republican side, but in your term, that was the benefit of leadership for the Democratic chairman. Our decisions are getting tougher and tougher, and we have to cut spending and raise taxes. We don't have many good things to give away.

Still, Members come and want to accept that responsibility. I think that is a credit to our system. Wilbur, I would also say, I was one of those 35 who joined you in 1972. It is too bad some of the things that occurred back in those days. This is the greatest committee in any legislative body in the entire world.

I certainly feel a privilege to serve on it, and to be up here in association with the rest of you gentlemen.

Mr. Jones. I once asked someone, after the reforms, how do you spot a committee chairman? He said it is very simple. He is the

person who, when he enters the room, talking ceases; to begin again as soon as he takes his seat of authority.

I cannot resist turning now to the present chairman of the committee to get some comments on leadership. We have been talking about leadership and his name has been mentioned.

So, we would like to hear from you.

Chairman Rostenkowski. Thank you.

I sit here with 31 years of service as a Member of Congress and feel rewarded to have come to Congress in 1959, to have begun my service under Wilbur Mills in 1964, to have worked on the Commerce Committee with Orrin Hatch. And then to be one of the only Members in the room who watched this evolution is really rewarding.

There is always the question: how different is it now than it was then? I think one has to make an appraisal of what the committee's authority was then, and what it is now. What were the programs that were on the books in 1960 and what are the programs now that this committee has jurisdiction over?

Lyndon Johnson passed the Great Society programs. We accumulated a great deal more authority over the lifestyle of the American people than we ever had. The Federal Government became more a part of what Congress was all about and what part it was for the citizenry in our country since 1964-1968.

The institution has changed so. What my colleague, Bill Archer, pointed out about us being the committee that made the appointments, that was important, but it was not all. There were all these misconceptions when we sat as the so-called committee on committees about the role of the Speaker.

If my memory serves me correctly, and I am sure Wilbur Mills could tell it better, the Speaker would come to the committee on committees and would only suggest who he would like to see on the Rules Committee.

From that point on, it was totally the decision of the 15 Democrats as to who went on other committees. At the time, there was so much more balance on committees, in my opinion, philosophically, geographically, because the Members on the committee traded. I remember six years after I served on the committee when John Watts wanted a particular person placed on a particular committee. I questioned whether I wanted to support that.

John Watts was the first to suggest, six years ago I did this for you, and enough was said. It was not that John Watts or Danny Rostenkowski or Wilbur Mills wanted to stack committees, it was that we wanted an objective view from the committee that was developing the legislation.

I think in great measure that is a problem now that we have in Congress. We put too many lobbyist-type Members on committees so that we don't get an objective view. When I served on the committee on committees, we put some people that weren't farmers on the Agriculture Committee, so we would get an objective view.

We didn't stack the Armed Services Committee with Members with installations who would only reflect what the Army wanted. We wanted a committee that would be objective.

We will work on the Armed Services bill for a week and a half. Never did that in the beginning, when I first came here. I am not

suggesting the downside. There are so many upsides. But here, what is the difference? It is in the room. It is the media. It is the instant delivery of a posture that Congress has taken that makes some of our colleagues nervous about whether or not they want to be consistent in sometimes disciplining our society.

If this country has a problem with respect to the development of this media, and Tom Curtis is the Director, we don't get our message across. But it is not totally all our fault, because we have somewhat a lazy constituency. They only want to listen to what they agree with, and they turn you off when they don't agree with you.

Now, to have had this experience, watched the masters like Mills and Lyndon Johnson—to watch the best in public service is really rewarding to have been associated with so many of you on the committee, that the Ways and Means Committee, you know, it is the subcommittee of the American people.

We affect every day the lifestyle of children yet to be born, and that is a tremendous responsibility. I would like to close with one observation:

Staff. The change came not only in the Ways and Means Committee and the staff, the change came in the Congress, when there were some Members in Congress that were in the positions of influence that didn't like the Ways and Means Committee, that were somewhat jealous of the authority that intentionally drew away from the committee some of its responsibilities.

Staff, there is a lot. Sometimes they almost embarrass Members. Staff gets agendas, unless a Member is as well appraised or apprised of what is in the document, Members can be manipulated and that is wrong.

I go before the House Administration Committee every year, and I honestly cut my appropriations back where the increase is so far from what other committees are asking, only because I think membership should control staff. We have solved too many problems there. We have enlarged the committee, put more staff on or just ignored the product.

This is one of the reasons why I think the Members on the Committee on Ways and Means enjoy the creation of legislation. I enjoy bringing bills to the Floor of the House of Representatives when I have allies on the other side of the aisle. I don't guess liberals get all they want, but the conservatives don't get all they want, either.

So that is the art of governing. The art of being able to put people together where you are not making the giant step that some people want, but you are showing progress every inch along the way.

The greatest teacher in politics on the Federal level that I ever had was Lyndon Johnson. When he was creating these programs, I was much more, even at an early age, much more conservative than some of my Democratic colleagues. We went to dedicate O'Hare Airport at least four or five times with his administration.

We would say, Mr. President, Mr. President, you are stepping too far, and he would say, "That is the trouble with you rednecked city slickers." He would say, "Danny, we are not going to get all we want. We open the door ajar, and we, you, the government, in time will work out on the problems." And that was his philosophy.

Regardless of how people view what Lyndon Johnson did in the service of this country, to the people of this country, to the poor people of this country, he was the greatest President that I will have ever served under, and I put him in the class of Franklin Delano Roosevelt.

So I didn't mean to filibuster, but I am proud of the fact that we are doing what we are doing. You know, I don't know whether we are the oldest committee in the House of Representatives, I would like to assume that we are. I know that we were the first created, but then after 15 or 16 weeks we were dissolved. But I hope after this day, I hope that we are established as the oldest committee, without doubts.

Mr. Jones. Thank you, Mr. Chairman. Do any of the members have any comments?

Mr. Schulze [a Representative from Pennsylvania]. I have a question of the panel. Wilbur Mills served when the Republican-Democratic ratios were closer, and you would in effect have to negotiate items out a little bit more. Chairman Rostenkowski does get Republican input, but doesn't necessarily have to. He has room to walk away.

What is your view on that? Should it be the old 10-to-15 ratio. What are your thoughts?

Mr. Mills. The time that I served as chairman of the committee, membership was increased. It was done as a result of the efforts of organized labor and Common Cause. The head of Common Cause came to me and told me that—this was in 1974, I think—that he had received 146 Democratic pledges to increase the size of the committee.

And I asked him, I said, is that the most important problem the world has today? That is what, I guess, he thought it was, apparently. I criticized him very seriously about increasing the size of it. I thought he was going to say—I could understand that labor felt the committee was too conservative.

And my argument with labor was, you can take the most liberal Member of Congress and put him on the Ways and Means Committee and in time, he will become conservative. Why? Because he has got his hand in everybody's pocketbook.

So, the arguments that they made to me were not sound, I thought. But I didn't oppose it. There is no need to fight the board members, the majority of which were Democrats at the time. It passed, and I think maybe it slowed down legislation.

When you got as many Members today on the committee as you have compared to 25, it just takes longer for all of them to make their speeches before television—and the committee is televised, I understand, now. I used to tell the press that I wouldn't mind the press sitting in on executive sessions of the committee, because that way, they might get the facts correct. They wouldn't get them the way they were receiving them.

But all of these things have happened, and I think they should be reviewed.

Mr. Jones. Maybe I will have a vote on the press.

Mr. Schick. In the late 1970's, when the Democrats had a 13-seat majority on the committee, they had a more difficult time moving legislation than in the sixties and fifties, when they had a five-vote

margin. So, stocking the committee with members of one or the other party doesn't mean that it does a good job.

Mr. Mills. You are right.

Mr. Jones. Other questions from the floor?

Mr. Carl Curtis [a former Representative from the State of Kansas]. I enjoyed being invited to this meeting. It has been a great day. It was 50 years ago last fall that Wilbur and I were elected to the House of Representatives. When I came to the House, the requirement to get on the Ways and Means Committee was that you had to be 65 years of age or have fought in the War Between the States, or both.

It took me eight years to do it. Wilbur did it in three years, I believe. But that was the respect they held. The members of Committee on Ways and Means were the senior citizens, the elite of the senior citizens, the possessors of wisdom.

Mr. Jones. I want to thank the panel and thank Allen Schick for an excellent paper. There are coffee and soft drinks in the corridor. We will take a 10-minute break and then come back to the next session, which takes a look at serving on the Ways and Means Committee from the perspective of the Members.

Thank you very much.

[Whereupon, at 3:15 p.m., the leadership symposium was concluded.]

CHANGING PATTERNS OF WAYS AND MEANS MEMBERSHIP

AN EXCHANGE BETWEEN POLITICAL SCIENTISTS AND THE MEMBERS

MODERATOR: THOMAS E. MANN, PH.D., DIRECTOR, GOVERNMENTAL STUDIES PROGRAM, BROOKINGS INSTITUTION

PRESENTER: CATHERINE E. RUDDER, PH.D., AMERICAN POLITICAL SCIENCE ASSOCIATION

Mr. Mann. This is as close as I will ever get to chairing a Congressional hearing.

Mr. Thomas. That is closer than I have ever been.

Mr. Mann. I am delighted to get as close as this. My thanks to the chairman for allowing me to participate in this session, as well as to all of the Members present and past, for giving us a chance to reflect with you on the history of the Ways and Means Committee.

It is no secret that this Congress has been under siege. I figure at least 200 subscriptions to Newsweek have been canceled in the last month or two. Congress has taken some cheap shots, I think, in the public and in the press more generally, but it doesn't mean that Congress, the greatest lawmaking body in the world, does not have its own problems as a representative institution.

And what is fascinating to me is the extent to which the Committee on Ways and Means is a microcosm of the Congress itself. One can understand the problems and challenges of the Congress, and of American politics more generally, by looking more closely at the Ways and Means Committee.

I will simply list four problems that the Congress and the committee live with, and that we can explore profitably this afternoon.

First is the problem that the chairman spoke about, of representation, of Member prerogatives, of individual initiative versus that of policymaking, of responsibility, of doing what has to be done to deal with the important problems the country faces. That tension between the individual and the collective need is apparent in the whole Congress, and it is very clearly seen as a tension and a challenge in the Ways and Means Committee.

Second, the frustration of House Republicans in this unprecedented period of seemingly permanent minority party status. How do Republicans on the committee and on the Floor have satisfying, successful careers? How do we deal with the increasing partisanship the body faces?

Third, how do you govern when divided government is the norm and not the exception anymore, when the Republicans own the White House and the Democrats own the Congress? It doesn't work via party responsibility. So how does it work?

Finally, the general problem of the public reputation of Congress, the perception of the institution by those on the outside. It is a problem that is tied to the output of the committee and the Congress, to campaign finance and House ethics and other issues. It is something that the Committee on Ways and Means must deal with as it goes about its business.

Now, we have kind of an upstairs-downstairs approach to the committee's history. In the first session, we looked at it from the perspective of the committee leaders. The upstairs. Now, it is time to walk downstairs, to view the committee through the lens of individual Members. What are they seeking from membership on the committee? What goals do they have in mind in getting on the committee, and what are their satisfactions and frustrations from working on the committee under very different leaders over the last 30 years?

So, our focus here is to ask how the committee has changed from the point of view of the individual Member. And to begin our discussion of that topic, Cathy Rudder, Executive Director of the American Political Science Association, and Congressional scholar, student of the Ways and Means Committee, is going to whet our appetites. Thank you.

PAPER PRESENTED BY CATHERINE RUDDER

Ms. Rudder. You will be pleased to know that I won't review the three eras of the last decades that have been so eloquently reviewed by Allen Schick. I basically concur with his assessment of those three periods.

Instead, I would like to talk a bit about some of the effects of the House reforms and what it is like to be a Member nowadays on the Ways and Means Committee. One difficulty talking about reform is that it is hard to separate out the effects of individual reforms from the changes that are occurring in American politics more generally.

Obvious examples are the proliferation of political action committees, the real change in our view of fiscal policy and economics, the decline in our confidence in government, and the divided party government. That explains a lot of the 1980's, quite frankly.

So, the first problem is trying to separate out the effects of individual reforms from these other, larger contextural changes. The second problem, touched on by Allen Schick, is the key theoretical problem that we have—democracy: to what degree should institutions be responsive to the public, on the one hand, and on the other hand, to what degree should a representative institution be able to govern responsibly.

How do you create that balance? It is a delicate balance. To be able to govern means to be able to enforce will, perhaps sometimes when people don't want that will enforced.

The chairman mentioned earlier the difficulties of enacting tax increase legislation. Others mentioned the difficulties of enacting legislation that people don't like. How does one do that on the one hand and, on the other hand, remain democratic? We see a number of nations now struggling with that problem. It is fascinating to see across the world. Most interesting now is the Soviet Union.

So, those are the two background issues that you might keep in mind as we talk.

Now, I would like to get to take a look at exactly what kind of effect I think the reforms might have had. I will make some assertions. I hope you will either argue or have comments about these reforms. Let me mention a few of them, including the election of the chairman by the Democratic Caucus, the establishment of subcommittees, the availability of tax staff, both on the committee level as well as on the individual level for individual Members. Open sessions. Recorded votes. These sorts of changes have had consequences. Individual Members are simply having more say than in earlier times, a lot more say, which makes the challenge to the chairman greater to produce responsible, coherent legislation.

These changes have affected the balance between responsibility and responsiveness. That simply means that Members have to pay a lot of attention to their publics, though they have in the past, and the attention paid to Members has increased greatly. Members have a harder time being protected from difficult votes, partly because votes are made more in the public eye, although that has been changed some under the Rostenkowski era. That makes it difficult to cast tough votes. It makes the challenge for individual Members harder.

There are two ways to look at the workload.

One is the paring down of a jurisdiction which was relatively slight. The other is the increase in the size of the government, and therefore, the responsibilities of this committee, particularly in the context of what this committee has been asked to do in the eighties.

It is the center of the deficit reduction activities. More individual members have chances to play leadership roles and, in turn, this greatly complicates the legislative process. It is more difficult for the committee to reach a consensus now. The committee is likely to be a lot more partisan and contentious, and legislation is less likely to command support on the Floor as a result of the Congressional reforms.

Let me hasten to say that this imbalance of excessive responsiveness and not enough responsibility in governing is correcting itself in the Rostenkowski era. That is partially accomplished through the cost of closing government. We now have closed hearings. That is one way to protect Members. And as the reforms close up a bit—backwards just in the sense of less openness, we see at the same time the ability to enact legislation that is somewhat more responsible.

So, you can see the trick the Democratic players have in trying to make this balance work in having open, transparent procedures on the one hand, and on the other hand, a body of defensible law.

Let's just take energy tax legislation of the 1970's. It seems to me that we can argue that was not a body of defensible law. Individual provisions made sense, but in the aggregate, once you put all the pieces together, the legislation resembled a Rube Goldberg machine. That is one of the problems of making legislation on the Floor of the House, as opposed to the committee.

A couple more comments, and I hope that you will respond to me. I would argue that committee prestige has not declined, even though the committee, as I already mentioned, lost jurisdiction.

Even though the loss of the committee assignment function on the part of Democrats and the increasing use of multiple referrals would suggest less prestige. In some ways, there may be less prestige.

However, the committee has only increased in its legislative power. So, the demand to be on the committee is a measure of that. The fact that the committee has had to make public tough decisions in the eye of the storm in the eighties does not in any way reduce the importance of the committee. It has increased in importance.

With regard to committee staff, I would argue that the committee staff is a bit less important than it used to be. I know that might be a controversial thing to say, because we have had an increase in the number of committee staff and individual staff. There is nobody to correspond to a Larry Woodworth, for example; there is not that kind of centralized power within the staffing.

That is just fine. It is just fine to have more power in the hands of the Members than in the hands of the staff. It does not lessen the importance of the staff with regard to legislation, but there is just not that kind of individual staff power that used to exist.

I would argue one other thing about staff that I think is worth mentioning. That is that, because the staff are less likely to be careerists. I speak specifically of the Joint Taxation Committee. That fact potentially—and you might want to argue with this—changes their perspective with regard to how they approach legislation and what their interests are.

They have interests after they leave the committee, and their interests are not just interests as permanent public servants of the Ways and Means Committee.

Just a couple of more points, and I will conclude. That is that the Budget Act and improved quality of information has had an enormous effect on the Ways and Means Committee. The procedures for the Budget Act have given the chairman the possibility of creating some rules to say, look, we have to operate as a committee. We have to report out certain legislation. We do have permission to close our committee up and make important, hard decisions.

With regard to committee Republicans, they have been advantaged and disadvantaged in this new environment; advantaged because there is more staff and a lot more support in that regard; disadvantaged in the sense that the committee ratios are not reflective precisely of the ratios of the House as a whole. That fact has left committee Republicans frustrated and resentful and less desirous of cooperating with the Democrats, and one might argue that that is an understandable consequence of these ratios.

In conclusion then, I would argue the reforms of the 1970's, specifically during that period, made individual members of the committee more powerful, more important, more accountable, under a lot more pressure from a lot more interest groups, and that is part of the cost of serving on the committee. In addition, it is harder to write good legislation.

During the 1980's, part of this excessive responsiveness has been addressed through committee leadership, procedures of the Budget Act, and other items. But what we have learned, I think, over this 30-year period is that excessive democratization does not necessarily lead to more democracy, to legislation that is responsive in the long run to people's needs and interests and desires.

One can go too far with regard to democratization or open government. What is needed is some kind of balance, a balance between strong committee leadership, of rules that enforce majority decisions, and allow Members to operate in a complex environment.

On that side, there is responsibility. On the other side, there is responsiveness, with the procedures transparent enough for the public to be able to hold Members accountable. Maybe not for every single vote on every single item all the way down the line, but for a body of law, for policy outcomes.

[The paper prepared by Ms. Rudder follows:]

THREE DECADES OF CHANGE: THE HOUSE COMMITTEE ON WAYS AND MEANS

(By *Catherine E. Rudder,* AMERICAN POLITICAL SCIENCE ASSOCIATION)

Introduction

Despite the considerable changes in recent decades, the Ways and Means Committee remains a premier committee in the U.S. Congress. Ways and Means jurisdiction covers 40 percent of all direct government spending at the national level, including the largest social welfare programs of the country and the increasingly significant area of trade, in addition to its responsibility for all federal revenues.

There is no other committee in the House comparable to this one in the scope of its activities. As a result, a disproportionate share of deficit reduction—a political exigency of the 1980's—has fallen on this committee's shoulders. Simply because of its importance to the functioning of American government, we need to know how it operates, what kind of Member is placed on the committee, on what bases decisions are made, and with what result.

While Ways and Means is uniquely pivotal, it has also been especially subject to vast changes in American and congressional politics over the last three decades, a fact which makes the committee an ideal object of study to understand Congress more generally. At the broadest level, such research can help us understand what factors aid or inhibit the functioning of democracy. For example, do meetings open to the public necessarily lead to more accountable government? What difference does divided party government make in how decisions are made and what legislation is produced?

Eras of Committee Leadership

Typically, the period of the last 30 years is divided into three eras corresponding to the tenure of its three chairmen: Wilbur Mills (D–AR), Albert Ullman (D–OR), and Daniel Rostenkowski (D–IL). Briefly, these three eras can be characterized in the following manner:

The Mills era (1956–74)

The small, 25-member Ways and Means Committee was dominated by its knowledgeable, fair, consensus-seeking, cautious chairman Wilbur Mills. Assignment to the committee was highly prestigious, and only senior, responsible, electorally safe, geographically representative, party regulars were chosen to serve. The Democratic members of the committee were especially influential for they served as the committee on committees for the Democrats. This was a period of unbroken Democratic control of Congress and of success on the floor and in conferences with the Senate.

Mills abolished subcommittees, kept the staff small and centralized under his control, worked cooperatively with the members of his committee, including the Republicans, operated in closed sessions, and brought his bills to the floor under closed, all-or-nothing rules. Masterful at his task, Mills was the right person at the right

time—at least until the fervor for reform and the impatience with the relative autonomy of the Ways and Means Committee took hold of the House.

The Ways and Means Committee operated as a control committee for Congress by protecting the House from its possible excesses, making sure revenues matched spending (informally performing some of the functions of what now is the House Budget Committee), slowing—sometimes smothering—the winds of change.

Like the House of Lords in 1910, Ways and Means by the early 1970's had to confront a new political reality. Many members outside the committee found its autonomy intolerable, and reformers found its procedures (along with those of other House committees) undemocratic. A series of changes instituted in the first half of that decade, some of which were specifically aimed at Ways and Means, ushered the end of the Mills era.

The Ullman era (1974–81)

By the time Al Ullman became chair, the committee had been racked with changes. Ullman had neither the tools, the disposition, nor the political support to rule in the Mills manner. In some ways this period might be called the ungovernable era or the era of transition during which time Ways and Means had to reestablish itself as an instrument of governance. Unlike the House of Lords, the committee eventually succeeded.

Rather than the small, cozy control committee it had been, Ways and Means seemed to fall apart in the wake of the congressional reforms. Power within the committee was fractured. Rather than committee solidarity, there was an atmosphere of each person for himself.

While the democratic reforms increased the power of individual members, they also stripped away protections those members or their counterparts had enjoyed in the Mills era. Now, committee votes were made out in the open, and in a wide variety of ways individual members were much more vulnerable, as were the committee's bills on the House floor.

Similarly, members of the House of Representatives enjoyed much less political protection than the former control committee had afforded them. At times it seemed that each member of the House was on the line for each vote on each provision of each bill, leaving Members of the House accountable for discrete decisions but no one responsible for the total product.

Nevertheless, the committee did survive as a center of power in Congress. Despite efforts to strip it of large chunks of its jurisdiction, the property of the Ways and Means Committee remained largely in tact. Further, the committee escaped some of the most intrusive aspects of the new budget process. Moreover, mandated subcommittees turned out to be necessary, not just an imposition, to make the massive and growing workload of the committee manageable. Significant legislation was moved—albeit in what seemed to be an atmosphere of chaos.

The successes of the committee are especially impressive in light of the vast contextual changes that were taking place at the same time. Most notably, congressional resurgence, a legislatively inept Democratic President, the growth of interest groups, the decline of labor, and the shift in the national agenda toward supply-side economics, all directly affected and changed the work of the Ways and Means Committee.

The Rostenkowski era (1981–)

This time of redefinition and uncertainty lasted into the first two years of Daniel Rostenkowski's chairmanship and was exacerbated by the Republican landslide in the presidential election of 1980 and Republican control of the Senate for the first time in almost two decades. Again the times had changed, and what was impossible for Ullman became possible for Rostenkowski after the debacle of the 1981 Economic Recovery Tax Act which constituted a humiliating defeat for the committee's Democrats.

By the 1980's strong leadership was once again called for, and though the seventies made another Mills era unlikely anytime soon, stronger leadership was now tolerable. More partisan than Mills but with an instinct for control, legislative success, and committee—especially Democratic—solidarity and prestige, Rostenkowski set about rebuilding the committee's reputation.

Though he could not reinstitute the Democrats' committee on committee function, he could devise winning strategies, develop consensus and comradery, close the meetings of the committee, recentralize staff, assert his power as chair, and to some degree reestablish Ways and Means as a control committee. Moreover, after the first two years, Rostenkowski learned to use divided party control to his advantage.

Under Rostenkowski's leadership, with the help of the procedures of the Budget Act and with a perceived fiscal crisis, the committee began to produce "impossible"

legislation: Social Security reform in 1983 (which looked to the long-run, not simply immediate political exigencies), tax increases in election years, and a slowing down of the seemingly inexorable growth of entitlements. With the help of a popular Republican President, the committee effected a landmark tax reform bill in 1986, welfare reform, and catastrophic health insurance for the elderly.

Assessing the Changes

What makes assessment of the effects of congressional reform of the seventies especially difficult is that the context in which these reforms were placed was itself changing. If the outcomes are different from the past, is the new pattern due to specific reforms like open meetings, the establishment of subcommittees, the loss of the committee assignment function of the Democrats, and access to staff and information?

Or might causal factors be sought in larger changes like the growth in political action committees, the burgeoning costs of campaigns, the nationalization of American politics, the proliferation of business lobbies and the development of effective grassroots lobbying techniques, the shift in the national agenda, the growing unity of congressional Democrats and the decline of the conservative coalition, or disenchantment with mainstream economic theory?

In fact, no single variable is more important in understanding politics in the 1980's than the contextual change of divided party government and the adjustment it required on the part of both parties when the Republicans captured the Senate and Ronald Reagan won the presidency in a landslide.

Much has been made of the "praise and blame syndrome," to use Kent Weaver's phrase, which leads members to scramble to seek credit for popular acts, like tax reduction, and to avoid blame for unpopular ones, like tax increases. This syndrome, I would argue, is especially predominant under divided party government where each party can credibly blame the other for outcomes. The Democrats attacked the Republicans for their position on Social Security cuts while the Republicans believably charged the Democrats with "tax and tax, spend and spend."

This kind of party competition goes a long way in explaining otherwise improbable tax increases in the 1980's (in order to avoid blame for fiscal irresponsibility) and the startling tax reform of 1986, as well as the large tax cuts and shifts in tax burdens in 1981.

Thus, political scientists have developed a picture of the events of the last 30 years, and we have some notions of cause and effect—that is, how those changes have affected the operation of the committee and its legislative outcomes. However, it is difficult to sort out what change led to what outcome. What follows is a series of assertions that focus on the individual members of the committee and their work so that former and current members of the committee can explore these questions further.

Effects of Internal Changes

Rules, procedures, and practices

Specific reforms of the 1970's including the election of the chairman by the Democratic Caucus, the establishment of subcommittees, the expansion and availability of tax staff, open sessions, and record votes have had the following consequences:

—Individual members have been given more say in the development of legislation.

– More individual members have an opportunity to play leadership roles as subcommittee chairs and as key players on specific pieces of legislation.

—It takes much more time to develop and write legislation in public.

—Individual members can be held accountable more easily, especially by vigilant lobbyists and interest groups.

—Individual members are subject to much more lobbying because of their increased importance to legislative outcomes in the post-reform period.

—It is more difficult for committee members to reach consensus.

—Committee conflict is more partisan and contentious.

—Legislation is less likely to command support on the floor of the House, more likely to be picked apart (with the aid of open rules), and more likely to be defeated.

—The legislative product is inferior in that it is more likely to be internally inconsistent, more open to more specific interests, and highly variable over time leading to inconsistency in the tax code.

—The committee is more responsive to the preferences of Congress and thus of the attentive public.

—The Ways and Means Committee is less likely to be able to lead Congress to enact difficult legislation which calls for cuts in spending and increases in taxes, particularly in absence of effective presidential leadership or other strongly countervailing forces.

—The proliferation of tax staff associated with individual members has increased the tendency toward individualism and independence. Members—both on and off the committee—are more able to act as independent policy entrepreneurs, thus opening but complicating legislative process and its outcomes.

The reforms have been partially reversed in the 1980's. More meeting are closed, decisions are more often made in private, and accountability of individual members is correspondingly obscured. Strong committee leadership has been reasserted. The closed rule is the norm on the floor. These changes, by providing political protection to and discipline of individual members, coupled with the procedures of the Budget Act and an atmosphere of crisis, have enabled the Ways and Means Committee to enact difficult deficit reduction legislation of the 1980's.

Committee prestige

The losses associated with the reforms of the 1970's—including the paring down of Ways and Means jurisdiction, the increasing use of multiple referrals, the expansion of the number of members on the committee, and the loss of the democratic committee assignment function—while requiring adjustments and signaling disenchantment with the committee, have not significantly diminished the power of Ways and Means in its legislative function. Moreover, having to make tough, public decisions has not affected the desirability of a Ways and Means Committee assignment. The committee remains highly prestigious.

Committee staff

The increase in the size of the Ways and Means staff and its control by the chairman in the 1980's have enhanced the power of the chair and have politicized the staff function somewhat. There has been a corresponding diminution in importance of the Joint Tax Committee staff and especially its chief of staff with the result that no individual staff member has the kind of power, for example, former chief of staff Laurence Woodworth had. The Joint Tax staff is now more clearly subordinate to members in this sense, but, because of their expertise, remain important to the policy process. The fact that the Joint Tax staff and the chief of staff are less likely to be careerists affects their perspective.

Safe seats

Selecting members who are electorally safe to serve on Ways and Means should free them to make politically difficult votes, lessen their obligations to interest groups, and reduce the need to respond to ephemeral political breezes. At the same time, because members are likely to feel "unsafe at any margin" of electoral victory, to use Thomas Mann's phrase, the effect of having technically safe seats is muted.

In fact, one of the attractions of an assignment to the Ways and Means Committee is the help membership on it can provide in raising the substantial funds typically required in a congressional campaign.

The kind of constituencies from which Democratic members now hail—more suburban, less Democratic, less labor-oriented—temper the votes of Democratic members to a greater degree than having a technically safe seat does.

Information and the Budget Act

The improved quality and type of information in part mandated by the Budget Act (for example, 5-year projections, tax expenditure estimates, anticipated revenue gains and losses stemming from individual proposals) affects the legislative product and provides some of the control (from excess) formerly exercised by Chairman Mills.

The deficit politics of the 1980's gave new significance to the requirements of the Budget Act and constrained all committees' activities. At the same time, the Budget Act provided some of the procedural tools necessary for Ways and Means members to be able to engage in the politically painful process of deficit reduction.

Role of the press

Little is known about the role of the press. It can inhibit the offering of special interest amendments by exposing members who do so. By reporting on PAC contributions and outside income, the press aids in the process of public disclosure. Moreover, the public now gets a more detailed description of the tax policy process.

But these activities, with the possible exception of financial disclosure, are the work primarily of major national newspapers and thoughtful weeklies. It is probably accurate to say that folks back home know little about the work of the committee, even if their hometown congressperson is on the committee. Thus, opening the sessions of the committee has not led to a more knowledgeable public on tax matters. Citizens probably get what specific information they have on members' work through their interest group affiliations and from the members themselves.

Committee Republicans

Much less is known about the activities of the Republican members of the committee than their Democratic counterparts. Overall, what it has meant to individual members to be in the minority has changed over time.

Republicans, and especially ranking member John W. Byrnes (WI), were integral to Mills' modus operandi. Then in the Ullman era, the chaotic individualism of the 1970's was experienced within Republican as well as Democratic ranks. As a consequence, individual Republicans had opportunities to play significant legislative roles that were denied them in the subsequent era.

In the eighties, not only did the chairman exercise more control over committee Democrats, negotiations on major matters were more likely to take place between Chairman Rostenkowski (and House Democratic leadership) and the White House, than between the chair and the ranking member, although leaders like Barber Conable (R-NY) have served as articulate advocates for committee Republicans.

Republican influence has been stymied in part by the party ratio on the committee, which unlike most other committees guarantees Democrats more committee seats than their party ratio in the House as a whole would warrant. This discrepancy, seen by Republicans as unfair, has caused resentment among Republicans, lessened their willingness to work cooperatively with the Democrats, and heightened party conflict.

On the other hand, the Republicans were advantaged by congressional reforms pertaining to committee staff. Under the new House rules, one-third of a committee's staff allocation was put under the control of the minority. This is especially important for House Republicans who unlike their Senate counterparts have experienced unrelieved minority status since the mid-fifties and have expressed little hope for immediate change in party control. But it is unclear what specific effects having a significant staff consignment has had on the work of the minority members.

Conclusion

In summary, the reforms of the 1970's have made individual members of the committee on Ways and Means more important and more accountable. The cost of these changes to members is that they are under considerably more pressure to be responsive to a much wider variety of interests. The cost to the committee as a whole has been that it is harder to write good law, to act as a control committee for congress, and to command support for its legislation on the floor of the House than it was in the Mills era.

Nevertheless, the committee remains highly prestigious and has had a remarkable legislative record, even during the transitional era when the effect of congressional reforms was most apparent and there were very few forces binding the committee together. In the 1980's with a strong chairman, with some tempering of the reforms, and with the tools of the Budget Act, the committee has reasserted itself as a central mechanism of legislative responsibility. Whether it will necessarily remain such a mechanism, as leadership changes and political forces shift, is not yet apparent.

What we have learned over this 30-year period is that excessive democratization can be counterproductive. Specifically, a productive legislative environment requires strong committee leadership, enduring coalitions, and procedures that can lead to majority decisions. At the same time, however, those procedures must be sufficiently transparent that the public can hold their elected officials responsible for the legislation they produce.

What this argument suggests is that the congressional reforms of the 1970's were warranted by the democratic requirement that members of Congress must be responsive and accountable to the public. However, democratic government is not merely responsive government. Elected bodies must be able to make a thoughtful, defensible body of law; in short, to govern. Citizens, in turn, must be able to hold their elected officials accountable in a meaningful way; in short, on the basis of policies enacted, not hundreds of isolated votes cast.

Thus, maintaining a balance between responsiveness and responsibility is the crux of democratic process. This struggle is amply exemplified in the recent history

of the House Committee on Ways and Means, and the committee is unlikely to reach a resting place anytime soon.

Panel Discussion

PARTICIPANTS:

THE HONORABLE ABNER J. MIKVA, JUDGE, U.S. COURT OF APPEALS, AND A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS;

THE HONORABLE MARTHA W. GRIFFITHS, LIEUTENANT GOVERNOR OF THE STATE OF MICHIGAN, AND A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN;

THE HONORABLE DAN ROSTENKOWSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS;

THE HONORABLE BARBARA B. KENNELLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT; and

THE HONORABLE WILLIAM M. THOMAS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Mann. Thank you, Cathy. That puts some interesting ideas on our plate. I am pleased to say we have, to chew on these matters and others, two past members of the committee, two present members of the committee, and a whole lot of others in the audience that I invite to join in.

Cathy mentioned the prestige of the committee has not declined over this 30-year period. One indication of the prestige is that relatively few Members of Ways and Means leave the House to run for the Senate, as is true for the rest of the House. By our count, since Mr. Mills was chairman, only Lee Metcalf and Wyche Fowler have gone to the Senate after serving on Ways and Means.

I remember one other, a Congressman from Texas who, I believe, ran for the Senate, but unsuccessfully, and he eventually had to settle for another job down Pennsylvania Avenue, but Members occasionally leave the committee for other pursuits, including State government and politics and the bench.

What I would like to do now is ask Martha Griffiths if she would tell us whether it was satisfying being a member of the Committee on Ways and Means during the chairmanship of Wilbur Mills.

Mrs. Griffiths. Wilbur Mills, I will tell you now, Ed Lundy was the right-hand man of Henry Ford, and Henry Ford was very fond of Wilbur Mills and the committee.

Ed said to me one day, "I will tell you, drunk or sober, Wilbur Mills is the best chairman that the Ways and Means Committee ever had." I think a lot of people felt like that. The chairman is the best when you are a member of the committee. That is rarely true, also.

Now, the job was always satisfying to me. I didn't leave here because I lost satisfaction with the job. But there was one surprising result. When I left here on January—I mean on December 31st, 1974, I was making $42,500. When I woke up on January 1st, 1975, I was making more than eight times that.

So the world out there offers you a lot more money. Now, one of the things that really infuriates me is to hear it said that this Congress is corrupt. That is ridiculous, absolutely ridiculous.

A Senator came many years ago to the Senate from Connecticut. When he arrived, he did not have one dime. He left here 30 years later with $30 million. Now, of course, the time that Congress was really corrupt was when they were passing out this land to railroads. Railroads really paid off for them.

But Congress is not anything like as corrupt as it was originally. I am sure that the Founding Fathers, if they had had the press that you have now, that you would have discovered that they were doing a few things that they shouldn't have been doing and making money on the side.

Now, in the years that I was here, I really never knew anybody that was getting rich.

Mr. Mann. Mrs. Griffiths, as you think of your years on the committee, especially your first several years, were you able to have an impact on legislation in the committee itself? How did the chairman work with the rank and file members of the committee, especially the junior ones?

Mrs. Griffiths. What the chairman did, we all went through the bill, and I was there every morning before the committee meeting started, and I stayed throughout the entire time. By the time we got to the end of the discussion, I knew exactly what was going to be on the bill.

Somebody said, how did you do it? I said, I could read Wilbur, I could figure out what Wilbur was going to do. I talked to a group of accountants six months before the tax bill was presented, and they asked me what was going to be in the bill. Afterwards, a man introduced me there, and he said, "She crossed her "t's" and dotted every "i" six months before it was in writing," and I did.

But if you just listen, you could watch Wilbur. Some arguments were put up for or against it. You could watch him. So that the Members did have more input, I am sure, than many of them realized.

I liked trade. I wanted to discuss trade. When I went on in 1962, they had just talked about trade, and I would like to say that I hope it never happens with you now. I was not furnished a copy of the proceedings of that, not one copy. And so we started marking up the bill. They never again got back to trade but one more time in the 12 years I sat there.

So that I would say that having these subcommittees is a good idea. On the other hand, I have had a very acute observer tell me that they should not bring freshmen in here and make them chairman of the subcommittees, because they say they don't know a thing about it.

Other Members can't rely on anything they are saying and every Member has to have sufficient staff to analyze every bill that comes before the whole House, which is pretty rough.

Mr. Mann. Do you recall how you were able to get on the Ways and Means Committee?

Mrs. Griffiths. It was great. It was the easiest thing manageable. I found out that someone was leaving, and so I went to Wilbur and said, "Wilbur, who would you like me to vote for for Ways and Means?" He said, "Would you like to be on the committee?" And I said, "Well, yes, I would." He said, "Just a minute, I will go see John."

So he went out and pretty soon, he came back in. I thought, well, I won't hear about that again. "They say you can do it if Michigan will support you." Well, of course, John Dingell thought he had inherited that job. His father had been a member of the committee, and John believed that he was automatically going to go on the committee.

Well, he did not automatically go on, and it was a darn good reason he didn't. Mr. Harris was chairman of Commerce, where John was sitting on the committee, and John and most of California made Harris' life absolutely miserable. I think that is why he chose to be a judge.

Obviously, Wilbur wasn't going to do anything to get John Dingell on the committee, so I got on the committee.

Chairman Rostenkowski. Facts and circumstances.

Mr. Mann. Abner Mikva went on the committee along with 17 other new Members in 1975. The committee even included some freshman Members, including a couple that I see on the front row here, more liberal and active and energetic. What was it like?

Judge Mikva. It was exciting and fun and chaotic. I am not sure it was different than it is today. As I sat and listened to people describing the reforms, particularly from the political scientist's point of view, I started to think about this. Most of them really didn't make that much of a difference, including even opening up the proceedings.

They all think it did, but the decisions were just as hard before we opened up the committees to the press. The fact that the press was there allowed the press to get a different story than if one of the Members had leaked it.

I served two terms before I served on Ways and Means—at the time that the Ways and Means Committee was a Democratic Committee on Committees. I didn't know what Danny Rostenkowski knew about tax or law, but he knew every member on the Judiciary Committee, what their chances were of getting reelected, whether they were in good health, whether I had a chance of getting on.

They were the power brokers of the House. They really were. And when they took away that power, which was really the big reform and the big fight that was going on at the time, the power was distributed somewhere else. They turned the Ways and Means Committee away from House dealers into national players. I don't know which is more important.

Obviously, at the time Ways and Means Committee members on the Democratic side had an incredible amount of influence, but they weren't that well-known nationally. They weren't the kind of national players they are today.

So, I would say that the Members who are serving today, because they are dealing in a different league, are making some very, very hard decisions; which brings me to the second point about these reforms.

The criticism of most of the reforms—we heard from the political scientists, and from Wilbur and a little bit from Mrs. Griffiths—is that they made it more difficult to pass legislation. They made it more difficult for the committee to work. I served 20 years in the State and Federal legislative bodies, and I shared with all of you

the frustration of having a good idea and finding all those idiots on your committee or the House or the other body who wouldn't agree with you.

There is nothing more frustrating than having a good idea and not being able to put it into law. I was carrying some administration legislation for the Governor when I was in the Illinois Legislature. I got one bill through the House; in the Senate, it didn't even get a decent burial. I saw the Governor at a cocktail party, and told him "it is enough to make a unicameralist out of me." He said that would solve half the problem.

If the benchmark of what a legislative body should be is efficiency, then Congress is less efficient since the reform than it was before. If the benchmark of a legislative body is to build as broad a consensus as possible before passing any rules, then it has slowed down the process and made it a better Congress and a better committee than it was before.

Tax legislation: This committee has been tinkering with the tax laws for 200 years. They pushed straight things crooked and crooked things straight, and closed this loophole and opened up this one.

For 200 years, this committee has been doing that. If you could find a 200-year-old business and ask them what they would like this committee to do about taxes, that business person would say: nothing for the next 10 years.

As far as most people are concerned, they almost don't care what the tax laws are, as long as you leave them alone long enough for them to plan on. So, most of the reforms that were adopted before I got on the Ways and Means Committee and were argued about; some of them still exist and some don't; the question is: do they make the committee members better?

I think the biggest thing they have done is that they have made it harder to pass a bill than it was before. And that is not all bad.

Mr. Mann. All right. Before we open the discussion to the floor, let's turn to our two present members of the committee, Barbara Kennelly and Bill Thomas. Mr. Thomas, you have been on the committee since 1983. You were here almost during the entire Republican Presidency. There was a Republican——

Mr. Thomas. Not true.

Mr. Mann. On the Committee on Ways and Means.

Mr. Thomas. Yes.

Mr. Mann. You have seen the change in the Senate from Republican to Democratic control. Could you tell us something about the opportunities and possibilities of being a minority member on the Ways and Means Committee, and the advantages of having a Republican President, or disadvantage?

Mr. Thomas. Well, it is interesting listening to people who have a historical perspective that bridges a major portion of this 30-year period. I have been on and in the House only toward the end of this period. I have had one chairman. I have had three minority leaders on the Ways and Means Committee, each of them significantly different in their personalities and the way in which they dealt and deal with Members.

As a freshman on the committee the Ranking Member was Barber Conable of New York. He is one of the brightest people I have ever personally known. Time and again I would sit down and

begin to explain an idea that I had. About four minutes later, he would have either told me it had been tried 12 times before, none of which were successful, and I thought it was a brandnew idea. He would be aggravating, because if you did have a new idea he understood it better and would explain it better than you could, anyway.

John Duncan, as a minority leader, was brightly talented, too, in an entirely different way. He gave Members an opportunity to push their own areas. He was low key and supportive.

So, I have worked inside the small group in the Republicans with different leaders, and now we have Bill Archer, who is kind of an amalgam of the two. But always the same chairman. But I think the chairman over that period has, in my opinion, matured significantly as a chairman.

We have had some very frustrating times, as you might expect. First of all, being a minority with the ratio that makes it virtually impossible to really plan in any way. Your are primarily responding to what is going on. It is frustrating for the press to have closed-door meetings. But as a Republican—in which there are closed-door meetings inside the closed-door meetings—you can understand our frustration as well.

Often the Democrats would meet in the library and come out and basically have forged all of the compromises that were necessary to put a package together before we were able to sit at the table. That occurred early on in the Reagan Administration when, in fact, it was the Administration that was coordinating with the Democrats.

There are portions, I believe, in Allen's paper and in other areas which I think rightly indicate that when you have this divided leadership, it is difficult for the minority members of the committee to participate in any significant way, because the job of the chairman was to deliver the votes, and we couldn't deliver the White House, and to a great extent he thought the White House could deliver us.

It may have been true in the earlier days, but ultimately, any committee, has a small group dynamic to it in terms of the people involved. Now, I have only been on there a relatively short time, but 12 members have come and gone since I have been on it. So you have a changing mix of personalities.

I say the chairman has grown significantly because I think what he has done is begun to appreciate the fact that there are a number of members who fought hard to get on the committee, because they thought they had those ideas—that Mikva talked about—they wanted to make changes and participate. But it was only the macro-political game that was being played

What happened with Danny is that he recognized that we were individuals and that we had interests and goals as well, and some of them were not inimical to the majority in a number of areas.

He let people feel they have the ability to participate, and that really is fundamental, I think, in the change that has occurred in the committee. We still have major disagreements. But by and large, the thing that I hold most important in terms of the Ways and Means Committee is the fact that most Members believe that if they want to sit down in an honest participatory way, they have an opportunity to have input, to participate. But it is very frustrating as a Republican.

The only time I really had fun in the committee was that very brief period of time when the Republicans controlled the Senate, and the White House, and I could listen to the Democrats with some of this pie in the sky that they were talking about, and when you wanted to set them straight and you weren't able to, because after all, you didn't control the votes, you could sit back and, half under your breath, say, well, go ahead and pass it, we will kill it over in the Senate.

Unfortunately, I only had about two years that I was able to use that line. But I will tell you, speaking as a member of the minority, the world does look different from our side of the aisle.

Mr. Mann. Are relations between Republicans and Democrats on the committee better than on the Floor? That is, is there less partisanship partly because of the substance of the legislation that you are talking about? Less on the committee than on the Floor?

Mr. Thomas. It is less in the committee for a number of reasons. I think the issues are probably as contentious. But when you close the door and you are in the room with people for weeks at a time, you begin to develop personal relationships that sometimes transcend the issues.

And in addition to that, there is a degree, and this may shock some, there is a degree of education that goes on. Not just with the expanded staff, but among members. I think one of the benefits of today's operation of the committee is that there are members who get far more involved, in my opinion, perhaps than in the past in a number of areas, and they have quite a bit of expertise in the area.

It is very enjoyable for me to watch the members debate the merits and demerits of a position rather than turning it over to the staff for elaboration. And so, when you close the door and you spend that much time with each other, what happens in the committee is absolutely critical in terms of the chairman.

The chairman plays, I think, a very significant role in determining whether you believe you have the ability to participate or not. And a change has occurred there. I think there was a period a couple of years ago when the Republicans decide that they were dealt out from the administration point of view, and dealt out from the committee point of view. And so, we simply declined to participate.

It was not a pleasant experience for the Republicans, and I think it was not a pleasant experience for the Democrats. Because when they closed the door and only the left hand tried to put things together, it was just not as successful. It didn't have the input from us.

We felt pretty good about that, because we realized that although we never get to define the agenda, we are essential to produce a document which not only is good law, but has a chance of passing politically. We became kind of a conscience, and they bounce it across us.

If they can convince a few of us to go with them, it has to be better than it would have otherwise. That kind of a small group dynamic doesn't work if you have a chairman who is too dictatorial or too small to be democratic.

You have to work between the two poles to keep all the diverse personalities together.

Mr. Mann. Does the leadership of subcommittees make a difference in that regard?

Mr. Thomas. It does. It is fairly difficult for me. I have been on several subcommittees, one of which is Budget. I now—the reason I came to Ways and Means is because of trade, and I finally got there, too. I spent time with other chairmen on other committees. I think the tone that the chairman of the full committee sets carries over to the subcommittee.

Many of the key issues get moved up to full committee anyway, and you have got to allow people to participate, to give and to take. You can lose and still feel as though you have had a chance to be a player. You can also lose in a way you wonder why you are here.

I would say that the last several years have produced an atmosphere where you have a chance. That is true on the subcommittee with the chairmen, when they take their cue from the full committee.

Mr. Mann. Mrs. Kennelly, Judge Mikva argued that shifting the committee assignment responsibilities away from Ways and Means changed the members of the committee from House players to national players, more interested in national policymaking issues, maybe a little less interested in influence in the House. Have you observed that? Does this relate in any way to your reasons for wanting to get on the committee?

What would you say was your main objective in getting on the committee?

Mrs. Kennelly. I, with Bill earlier, we were talking and got a kick out of Bill Archer saying that they didn't think the committee was going to be continually popular after indexing came in. The toughest campaign I ever had was to get on the Ways and Means Committee. You literally have to run for the office, and interestingly enough, I know that Dick Gephardt is about as popular a Member of Congress as you can get, but I am sure 20 of those members wished he could become President so they could become members of the Ways and Means Committee.

In the latest round for the leadership policies, Dick finally is being moved off the committee to be Majority Leader, and there was an undercurrent in that whole leadership race of who would take Dick's place on the committee.

This interest, and I think one of the reasons—and it was one of the reasons I wanted to go on—was that, yes, the committee has to make difficult decisions. But I think if you are not making difficult decisions, you are probably not making important decisions.

I think the membership on the whole realizes that Ways and Means is the place to be. I think after today, they are going to know it. Doctor, you were marvelous as you talked, I read your paper very carefully.

On page 16, you said the committee is least likely to be able to lead Congress in that difficult legislation which calls for cuts in spending. The new book, the history of Ways and Means, tells us that because of deficit reduction, the Ways and Means Committee has had to reduce the deficit by 70 percent in programs under our jurisdiction, which translates to $300 billion. May I be a witness that we have made those very tough decisions every single year?

We also seem to be able to defy what is supposed to happen. The naysayers all said Social Security was in such trouble, and the Ways and Means Committee pulled it together. It was doctrine of politics that tax increases could not happen in an election year.

We have done it quite often in the last eight years. The trade bill was excellent. Who in Heaven's name—you will remember, some of you, tax reform was never going to happen. I had two Senators from Connecticut who, every time I tried to talk to them about what we were doing on the Ways and Means Committee, said, don't waste your time, you are not going to do tax reform.

There is no doubt we can make tough decisions. I would like to comment on two things you mentioned. Staff is about as important as it could be. It is for a reason that I lay it on what Bill said.

Our chairman has a more difficult role as Wilbur Mills said, because Wilbur Mills could be autocratic. That was expected. Those days are over. What Dan Rostenkowski has to do is make us feel part of the team. That helps us make these difficult decisions.

If you think he glues us together—he has a staff that is about as loyal to him and loyal to each other, and that is a strength in itself. Another thing has been done, in that Committees like Appropriations or Budget, you have an extra member or two members on your staff working with you. Ways and Means does not have that.

As a result, if you are able to get staff people who can understand the tax law and work with it, and if they can establish a relationship of respect with the Ways and Means staff on a whole, then you can get something done.

Special interests, they are so big, so numerous. I don't know and could not begin to know who most of them are. I represent an industry—40,000 people in my district walk to insurance companies every month. What I have found interesting about special interest, in the old days, insurance law was so arcane that people could go sit with the staff and work it out. It has changed on the committee with more members having more interests.

Now, those lobbyists have to lobby Member after Member, which they did not have to do before. I think the underlying change we have seen in the last few years is, yes, Doctor, you say what some of us do is inconsistent, but one of the things we have had to deal with is deficit reduction, and that has brought about many changes.

I think that is stronger than the interests of special interests.

Ms. Rudder. My paper on Ways and Means specifically says Ways and Means has done a remarkable job in making tough decisions. My point was that the reforms made it harder. What has happened in the eighties is that in fact, for a variety of reasons, partly some of which you mentioned, contextural reasons—because of the nature of the committee chairman and the way he operated after the first two years, because of the Budget Act and the ability to use its procedures, because of the reversal of reforms—that in fact Ways and Means has come up with remarkable sets of decisions.

That is the way I put it. That is, tax increases, not just in an election year, every election year. Social Security reform. Everybody says Congress cannot look to long-term interests.

I always point out Social Security reform and say look, this is very much in the long term. Similarly with tax reform. Everybody said it was dead in the water, and it was not for a variety of reasons. But just to be clear about the tough decisions, I think one of the remarkable aspects of this committee has been its ability to make tough decisions in light of Congressional reforms, which would make one predict that tough decisions could not be made and could not be carried on the Floor of the House; as we saw during the Ullman years, everybody saw how difficult that was.

Some of those reforms have been moderated. We saw that reforms have gone too far. We must have leadership and we must have a chance for the committee to get together and talk with one another privately and not in the glare of the public light.

With regard to staff, I think one can see that similarly, too. When I say staff is not important, I mean staff is more under the control of the chairman. I think that staff are less likely to be independent actors or to be career public servants.

I remember when I worked on the Hill, it is always important to go see staff, because you want to convince staff and staff has access to members, but there is no one to compare to some of the key senior staff players that we had in earlier years like Laurence Woodworth or Colin Stamm.

That is not to say staff isn't extremely important, because they are. With special interests, I will not add to that.

Mrs. Griffiths. When the staff has been here a long time, then they will be smart. That is one problem with saying things ought to turn over all the time. I hear people telling me that one of the worst things is having a freshman as a subcommittee chairman. They know nothing about the subject matter.

All at once, they are telling everyone else how to vote. So, I understand that each Congressman has to have somebody going through all the bills all the time, which I think is too bad.

Mr. Mann. Allen Schick is fond of quoting from the Bible: "Jacob died leaning on his staff."

Mr. Thomas. Republican are concerned about who goes on Ways and Means and the changes in the House have been more on the Republican side than on the Democratic side.

I believe I am correct to say that the only member who came on as a freshman was Frank Guarini.

Chairman Rostenkowski. And Richard Vander Veen, Joe Fisher, Harold Ford, Martha Keys, Dick Gephardt, Ed Jenkins, Ray Lederer, Frank Guarini, Jim Shannon, and Jim Guy Tucker. George Bush came on as a freshman.

Mr. Thomas. You don't put freshmen on the committee. On the Republican side, we want to take a look at the kind of people we will be putting on Ways and Means.

I would not have gone on the committee had John Rousselot not been destroyed, in terms of reapportionment, by Phil Burton. Once that seat opened up, the Republicans began to analyze those available. Freshmen are not considered because you don't know them well enough.

Mr. Mann. What is a Ways and Means Committee type, something the chairman must have thought about in recruiting members for the committee?

Chairman Rostenkowski. Naturally, after the election, we meet here in December and decide where the freshmen will be placed. As a member of the Committee on Committees, when the Ways and Means Committee was in charge of placement, the worst campaign that you could make for a freshman member to be placed on a particular committee was that "I would have to put him on Foreign Affairs; he campaigned in his District to be on Foreign Affairs."

There would be at least nine members on the Committee on Committees that would look at you and say, I didn't tell him to campaign like that. Today, and somebody pointed toward it, it is more like a popularity contest, you are campaigning, you are campaigning to get on steering and policy.

Then the measure of your worth is whether you can put people from your zone into the committees they have campaigned to get to. The difference really between an established policy committee and a steering and policy committee that campaigns itself for election, is that the judgments are somewhat colored in who is the popular representative of the popular candidate for Energy and Commerce.

With respect to getting on Ways and Means, freshmen will apologize when they talk in my office, because they will suggest, I know, that you wouldn't take any freshmen. I say that is true there has never been a freshman placed on Ways and Means since I have been chairman.

Then I tell them, just think of the advantage that you have when you run for your second term. You have an advantage over the freshmen coming to Congress. It is true, I do believe that with the volume of legislation that we have jurisdiction over, with the sensitivity, that Members of Congress, not just chairmen, but Members of Congress ought to be exposed to the chemistry of the individual who is campaigning.

We do make the tough decisions. Sometimes they are not popular decisions. As chairman, if I am committed to bring out legislation that is controversial, I would like to see how wet the member's hands get when he is making a decision, because you can almost take a shower under some of the members' hands when they have to make a tough decision.

So, this might be discriminatory, but I think in the interest of product, if the interest of getting members with a long-range view on the committee, I urge the Republican policy committee to follow the suggestion of the chairman, at least on the steering and policy committee on the Democratic side. Freshmen need not apply.

Mr. Thomas. To give you an idea what Republicans have to do to get on the committee, not only did I have to get a majority of the Californians and the Republican conference, I had to have an interview with the chairman, because he was trying to shrink the committee.

In shrinking the Democrats, it would shrink the Republicans, and after I did everything I had to do on the Republican side, I still had to convince the chairman that he ought not to shrink the committee.

My colleague from Connecticut was important in my plans, because if a woman was trying to get on the Democratic side, it

would be harder for the chairman, but I had to lower his concern about working together on issues, we might have disagreements, but I had to interview with the Democratic chairman of the committee to get on the committee after I cleared all the hurdles from the Republicans.

Chairman Rostenkowski. If I may, I would like to balance this discussion. I don't mean to impose my time on this panel, but there are certain things that have been said here that I think are worth reviewing. We have had participatory government. Mr. Mikva was very involved with Frank Thompson. Dick Bolling, Jim O'Hara, Phil Burton, John Brademas, those were the ones that brought us the campaign reform that suggested we raise money independently, and now we have war chests that are burgeoning.

Having the press in the room. While all the so-called people's representatives were there, they were often inaccurate when they were in the room. What I had to devise and convince my membership was that we will close the meetings so that we can be specific about the problems that were going to develop in the tax code.

Press was satisfied when, immediately after the deliberations, the staff would have a press conference and tell them accurately what we did. There were so many press people in the confines of the Ways and Means Committee room who were totally bored, they did not realize when they got to a very sensitive area what we were doing, because they would inaccurately report it.

Now, you have the consensus of the press that feel as long as we are going to get the briefing, the smoke-filled room is not so bad anymore. That is what I find very comfortable asking, if there is a consensus, that we close the meeting so that we can deliberate. At least members on the Ways and Means Committee really participate, because they know we can put products together.

What irritates me sometimes is that when creating the legislation, you get a consensus from the minority until one or two things are put in the bill that are somewhat unpalatable to them. And this is after we have deliberated and we have put a lot of things in the bill that the minority wants. But because there are one or two things, they then feel they have the privilege of going against the entire proposal.

What I would like to suggest is that if they don't like the bill, then all the things they have put in the bill should be withdrawn. Now, that is creating a division, and I don't want to do that.

If this committee functions, it functions because everybody participates and everybody has his day or at least he has an opportunity to make a contribution. I am very proud of the fact that when I took over the committee, there was always a question as to—are you sincerely going to go to the Rules Committee and protect us? Will we meet and will you protect us on this? If I reserve, can I have this?

I don't think there is that question of the Chair any more. I do what I say I am going to do. As a matter of fact, I have become such a peacock about it that when I am questioned as to whether or not I am going to do what I say I am going to do, I become a little irritated.

Now, we have brought the membership together by going away together. We have gone to symposia, to retreats, and members

know each other outside of this Beltway. When we go to a retreat, we get on an airplane and start the discussion. We go to dinner and continue the discussion. We eat breakfast and we continue to discuss, so that all the time we are together—from Thursday until Sunday afternoon—it may look like it is a holiday, but it is the most productive holiday we ever had.

If there is a key to doing something about bringing the members together, it is to get them away from their telephones, a lot of their staff, and finding out what real people we really are, as a result of that.

Tax reform, catastrophic health which I still think is a good law, trade legislation, and Social Security—I feel that members on the Ways and Means Committee know what we have to do when we recognize a problem with Social Security.

I get irritated when we create a commission to tell us what we know we have to do, and then we do what we have to do, and the commission takes all the credit. I could have told you right from the beginning what Beck at Prudential was going to come out with at Social Security, because we had the documents.

I told Jim Baker, I will tell you where we will go in tax reform, and we eventually got there. But Congress has changed. It is a very, very sensitive arena now, because you have to bring everybody in.

You have the immediacy of the news media. If you are going something at 5:00, you can bet your life that some local anchorman is going to have it totally misunderstood and scare your constituents so you have to go home and straighten them out.

Mr. Thomas Curtis. Some said, referring to Wilbur Mills, "the powerful chairman." I want to contrast what I know about Wilbur Mills being the great power. You talk to any lobbyist who went to Wilbur Mills to ask what might be done about this or that. His answer was, almost immediate, "Let me talk to the boys." This is exactly—I never heard the term "participate," but that is what Wilbur did. I have been kidded around here after I made my short speech. They said they used to have the Curtis Hour. But that is an example of the time Chairman Mills gave to other Members.

Danny, let me applaud you for that. Bring out these facts and fair arguments. It is about time we paid attention to that.

Mrs. Griffiths. I agree with both of you. Of course, Wilbur would never spend any money to take us out to dinner. When I came on the committee, they had never been any place. We never took a trip of any kind. Finally, I said, "Why don't we take a trip?"

Well, we had a trip. What was the trip? We took a bus and went to Baltimore. That was a trip for Ways and Means.

Mr. Thomas Curtis. Martha, they talked about a trip taken to Puerto Rico four years before. We never had any trips.

Mr. Moody [a Representative from the State of Wisconsin]. I served four years on the Public Works Committee. The style of operation is so entirely different on that committee. That was a nonpartisan committee, one of the other fairly nonpartisan committees, dealing out bridges and culverts. There is nothing ideological. The chairman and ranking member got together and basically decided everything.

We got the markup in our hands still warm from the Xerox, and there was no input like there is from the members on this committee. So, junior members have a greater role to play in this committee than I think is typical in the Congress.

Another thing is the analytic nature of the material. I have served on Interior and Public Works, but the analytic nature of the material is years ahead of anything I have seen.

If you were in the room when we had our discussion about LBO's or some S&L matters, I would say the analytic quality of the members was impressive. The frustration of being a Republican member? In a sense, a Republican vote inside the committee is worth maybe two Democrats inside the committee, because it helps you on the Floor. It is not very important whether I agree with the product out there in a sense, but it is proportionately more important than a Democratic member.

If we go to the Floor with a physician payment reform package, as we are preparing to do, everybody Republican supporting our package is going to be very important. While the Republicans have some frustration, they also have extra leverage the Democrats don't have.

On the item of closed meetings. These meetings are not really closed, you can walk out of that meeting, and 10 minutes later a lobbyist will tell us verbatim what you said. I get phone calls from my constituents back in Wisconsin who tell me what was said. So much for closed meetings.

Judge Mikva. I know the chairman pre-dates even me in the Congress, and this feeling will never change, but when I came here, the concern was that if we ever opened up any of the meetings, particularly the markups, the whole process would change. We would go to hell in a basket. It has not changed, because they were never really closed.

Lobbyists, smart journalists knew exactly what was going on. The only reason why opening up meetings makes any difference at all, and why I hope you don't go too far in closing it up, at least not so far as to get the press on your neck again, is the perception of the American people as to what goes on.

This is the greatest deliberative body in the world, the envy of every country in the world, and we are a piece of junk with our own people. Every country in the world, not just the dictatorships, but the democracies, envy us, admire the way we work. They think we really do distribute equity and justice. And go talk to anybody in America, and they think Congress is obscene.

One of the things this Congress and this committee need to work on is the perception of what you are. That is why I hope you don't go too far in unreforming reforms.

Chairman Rostenkowski. Abner, I don't disagree with that at all. I was very moved by the fact that we could not pass ourselves a pay raise. If there is any group of members that I feel should have an increase in pay, it is Members of Congress. Because whether we are in the legislative process here or at home, we are working. We are working back home on a Saturday and on a Sunday. I don't mean that that in itself means that we should have a pay raise.

But what is most frustrating to me is that it is not the reasonable press that carried the day. It is not the editorial writings that

analyze what we do here. It is the talk shows. If you want to really get an audience up clapping like a bunch of seals, rap the government, and particularly rap the Congress. It was just amazing to me how every talk show—you couldn't turn a radio on in your automobile or watch a television show where somebody wasn't bashing the Congress.

I have been here 31 years, and I recognize that. That is why I am so serious about signing in for what you think you are worth between what the commission offers and what we are presently paid.

I will go back and defend it and if somebody from a small hamlet in the southern part of the country, let them sign in. But we are losing so many talented people. Somebody here, I think it was you, Dr. Rudder, pointed out that staff has another agenda or that staff is here to learn. For what purpose? To go to the outside and make money. And there is nothing wrong with that.

The whole conception of what staff people were when I first got here was entirely different. They were committed workers for the rest of their lives to government. And I don't blame them. I don't blame Members of Congress, as you pointed out, Martha.

On January 1, the day after you retired, eight times your salary. Isn't that a sad commentary? And you have young people here with families who really can't afford to be Members of Congress.

Mr. Mann. To show you evidence of the goodness but the powerlessness of the political scientist community, we weighed in heavily on behalf of the Congressional pay raise. Hugh Carey?

Mr. Carey [a former Representative from New York]. Thank you, Mr. Chairman.

I want to pay my respects to the comments made by Mrs. Griffiths. I can recall the negative benefit of responsibility of being on the Committee on Committees, because I was a freshman member of the Committee on Committees. I relied on a senior person, because I had a freshman member in my delegation who desperately wanted the government to have her on the most important committee.

We needed her. She was more noted for her headgear than the gears in her head. I thought, I have to get this woman on the committee. I won't be able to live if it doesn't happen. The senior person, Mrs. Griffiths, said it is tough. You haven't made one. I said, I am losing out day and night, and I can't leave this room without a nomination committee.

Mrs. Griffiths said, you fellows defeated Charlie Buckley. There is a vacancy on Public Works. I think I can lobby here on this committee. Successfully, my friend Martha put her on the committee. I reported about the victory I scored and the fact that this person was going to be a member of the august Public Works Committee.

And what she told me to do with that committee was a physiological impossibility.

This is a great gathering. I thank the chairman for convening it, and note that it is a healthy thing for the country that we have a former member of the committee down on Pennsylvania Avenue. I don't want to say anything here that might vitiate my possibility of getting a transition bill some day, and being really important in afterlife.

But believe me, I think we all took a trip one time, the good chairman was there, one trip we took overseas. We were told by other peers in the EEC to get ready to assume the role of world leadership.

I would just make this observation as someone who did have an afterlife where there was no Ways and Means Committee. Oh, how I prayed in Albany, if only we had a Ways and Means Committee, somebody I could talk to, to see the problem, sit down and solve it.

I will say this, reforms notwithstanding, as the President takes on the role of world leadership and the world economy, I think you will have to entrust a lot of responsibility to the members and the chairman and the ranking member, to sit down and work these things out and in such a way that the world's problems, that we try to solve them, are entrusted to a group of people in whom we have confidence.

You can't have all these reforms, notwithstanding—you can't do it in a goldfish bowl. You have to make the decisions on the good and the welfare of the country. Thank goodness the committee is where it is now.

If you want to make it smaller, fine with me.

Mr. Mann. Yes.

Voice. The committee has always been very responsible. There are a lot of committees that have extra members, such as Budget, Appropriations, Rules, et cetera. Has the Ways and Means Committee ever had extra members or an extra staff member placed on it, knowing all the responsibilities it has, and how important it has been historically? I was wondering whether or not, in the past, that has ever happened, and whether it would be too contentious or would make the committee more contentious if somebody was put on the committee as an extra staff member?

Do you have any thoughts on that?

Judge Mikva. Pete Stark tried for a couple of terms to get that done. He was defeated. It is a hard thing to do.

Mr. Thomas Curtis. We had a great staff, as I say, in Wilbur Mills' time. It was put on the Joint Committee on Internal Revenue Taxation. We hardly ever met in joint committee, but it was the peg on which we hung this great professional staff. And by professional, I mean it was a career operation with Stamm first, and then Larry and so on.

So I think that was a very important aspect. I remember going to Wilbur, Martha, saying we don't have a single person on staff on international trade. We didn't have a single person on the staff for Social Security. And I said Wilbur's argument, with some merit, was, if you put staff on, they will be running us.

I said, "well, that shows that we aren't doing our job." The committee now has professional staff on these important issues. I think it is very important. But the committee still does not have staff on Federal debt management. We still are operating under an 1850 law. That law says we will pay the interest on the Federal debt. So no one ever looks at it except the executive.

But that is a great area where we have to raise the debt ceiling periodically. So we ought to have staff people. In the process we could save considerable interest on the Federal debt and have a proper check on the Federal Reserve Board.

Mr. Mann. The chairman will take that under advisement.

Mr. Thomas. Let me speak briefly. I am somewhat unique. I serve on Ways and Means, but am also the ranking Republican on House Administration, which oversees the committee budgets, with the exception of the Budget and Appropriations Committees. But I am also on the full Budget Committee as a subcommittee of Ways and Means. I get a staff member, a professional staff member as a member of the Budget Committee.

The issues that I have to deal with on the Budget Committee are not as significant, nor are we required to spend as much pure clock time on the issue as we are on Ways and Means. And I would lobby along with Frank or any other member to talk about restructuring significantly, also that professional staff I am talking about has become to a degree at least perceived transient and to a degree partisan.

And if each member had their own staff, they could begin to specialize in the area that you had an interest in, and in fact enhance the overall committee's structure, because they would have spent a specific amount of time in that area. I think we shou'd explore it in terms of a general shift.

Mr. Mann. It touches on precisely the balance that we talked about. Individual prerogatives and needs versus the need to be responsible and to reach a collective outcome in the committee's deliberations.

Mr. Brodhead [a former Representative from the State of Michigan]. I just wanted to make a couple of observations, to agree with the staff, the need for staff. Service on the Ways and Means Committee is an enormous consumer of staff time. The observation that I wanted to make was that the years that I was in Congress, 1974 through 1982, kind of spanned certainly the beginning of the reforms taking effect, and then toward the end there, the rethinking of some of the issues.

With reference to the open meetings question, I would say that it had been assumed when reforms went into place that there would be more public-spiritedness, if you will, in open session than there would be behind closed doors.

My observation is that just the reverse was true. That people in the public meetings play to the crowd, play to the lobbyists. The speeches were a lot longer. Once we got behind closed doors, the speeches were shorter. People said what they really thought. It is a real testimony to the caliber of people that not only were attracted to apply to the committee, but were selected by the leadership of both on the Democratic and the Republican side, is that they had a real public-spirited attitude in the closed sessions. They had a willingness to put aside the special interests and to talk about the genuine interests of the country. So, while I certainly agree with what Abner said, I don't think I would ever want to take the position that all or even most meetings should be closed. I think that there are times when they have to be closed or should be closed, and you are better off when they are closed.

I think that the public may have less to fear sometimes from a closed meeting than it does from an open meeting.

Mrs. Kennelly. I would like to comment on the staff business. What I found out is I spend more time with my own staff on Ways

and Means matters, and as a result, some things don't get done. I haven't had one constituent miss my newsletter.

Mr. Mann. Yes?

Mrs. Griffiths. After the open meeting business was passed, I was here. Immediately after it was passed, we were meeting over there in the second floor of the Capitol, in that little teeny room. You were literally holding lobbyists on your lap.

Now, if that had been true beforehand, the reform would be to get the lobbyists out. So, that I think the open meetings have some problems that are not really disclosed.

Mr. Mann. One final item the chairman raised and others have alluded to, and the editorial writers of this country believe is the most important problem in Congress, which has to do with campaign financing.

How much has the way in which members raise money for their reelections weakened the ability of the committee to do its work?

Mr. Chairman?

Chairman Rostenkowski. I remember when I first came to Washington as a freshman in 1959, and Martha, you can correct me on this, and some of the other members that have been here for a while can, but to have a fund-raising event in Washington for an individual member was an embarrassment.

You wouldn't think of coming to Washington and asking people in the District of Columbia or representatives of a pressure group to contribute to your campaign. There were different laws then. But what you were doing, the Democratic Congressional Campaign Committee was very strong, the Democratic National Committee was very strong. It only started since we went into the reform area.

Now, if my memory serves me correctly, and I think that you could refresh it, we went to corporate America's pocketbook because labor was concerned with how much money they were spending on campaigns, and they were concerned with how much they had to contribute.

Members, more liberal Democrats, and you correct me if I am wrong, Abner, more were depending on labor's contribution, and they have become somewhat disenchanted.

We began to start writing legislation that I was opposed to, because in the beginning, you weren't expected to even know who contributed to your campaign. You had an independent campaign fund. Somebody else chaired it and arranged your campaign for you.

You didn't have to fill out a disclosure statement, but you never knew if ABC corporation or ABC union or ABC business gave you money. That was not your concern. Your campaign committee did that.

Today, if you don't have an idea of who is contributing to your campaign, you can go to jail. So you become more and more involved in the campaign financing of your campaign. We all agree, you are elected on the second Tuesday after the first Monday in November, and let me tell you something: The next day you are campaigning in some districts for fund-raising. Abner, I will yield to you.

Judge Mikva. My memory is better than you think. The sponsor of the single piece of legislation that kicked off this PAC contribu-

tion problem was the late Phil Burton, and he did it at the request of organized labor to clear up a problem that they had having to do with their using Treasury funds to send out mailings and so on.

He clarified the law, and in clarifying it, it allowed—not allowed, the corporations could have always done that—but it triggered the involvement of the corporations and the PAC's that they had never been in before.

One of the reasons is that in most States, a corporation giving money was against the law; something they couldn't do in terms of their stockholders. When Phil changed the law, it allowed them to set up the PAC's and use corporate funds to set up the PAC.

It just proves, Danny, that yesterday's reforms are tomorrow's repressions, and anything on the books that long ought to be changed. I agree.

Mr. Mann. I see how it has made a lot of difference in the life of individual members, but what about the committee's work?

Chairman Rostenkowski. Can I comment on what you said? I don't disagree with that, but you will never get me to support public financing.

Judge Mikva. I don't have any views on that.

Mr. Thomas. Did you get most of your money back in the district in those days?

Chairman Rostenkowski. Yes. But campaigns weren't that expensive in those days.

Mr. Thomas. But the majority of your money came from the folks back home. Did that affect the way you participated——

Chairman Rostenkowski. No. That is a difficult question for me to answer today, because I speak to—I just don't know. I don't know that there is any influence. I don't know any member in this room that is influenced by a campaign contribution. You had a defined political philosophy and a party. You were moored here to the party structure. We are all now independent contractors.

Mr. Mann. But you are saying it is no different. We may not like it, but it is not having a material effect on the work in the committee.

Chairman Rostenkowski. Well, I don't know that, I don't know that it does. Of course, I speak for myself, and I have yet to see any member moved by a campaign contribution.

Mrs. Kennelly. I think tax reform is the most perfect example, tremendous pressures, and you can document when it didn't happen. So, I think it has been proven. Of course, they are out there and the money is much bigger.

Sam, you know better than I do.

Mr. Brodhead. We all have to admit that the cost of campaigning is absolutely unbelievable. People spend a half a million dollars for a House seat, and you know that they can't raise that kind of money in their own congressional district. When you raise that kind of money for a House seat, you can't possibly raise it within that district, and on many committees you could never raise it.

Mr. Thomas. People have said, people seek a seat on Ways and Means so they can raise the big dollars, and the irony is that members are screaming to go on Ways and Means because they are usually from a relatively safe district. They have shown political acumen.

You can never satisfy people who will assume that you are going there because you are interested in raising dollars when, as a matter of fact, most people, virtually everyone I know on the committee, is there because they have proven that they are independent contractors and make decisions without that kind of influence.

Mr. Moody. With the reelection rate, I don't think it is significant. People can get reelected despite the huge costs. It puts the members under pressures to raise the money. But people in Public Works and others get reelected the same way that we do.

But it puts tremendous pressure on all members. I think the key here is that it depends on the leadership. If there is strong leadership on the committee, as there is now, it doesn't make any difference. If there is weak leadership, it might.

Mr. Mann. Yes? A final word?

Mrs. Johnson [a Representative from the State of Connecticut]. I think people just don't realize that particularly on a committee like Ways and Means or any of the big committees, interests on both sides contribute to all candidates. So there is no relationship between votes and contributions.

When both sides are contributing to you and you have constituents on both sides of the issue, as you always do on Ways and Means, you have to be able to justify your vote. That is how you vote, because you are truly accountable for your vote to constituents who disagree and whose pocketbooks are being used.

They disagree, and their livelihoods are being affected, and you are accountable to them. That is what steers your voting on Ways and Means and the contributions follow that pattern, because in fact, everybody is affected.

Mr. Mann. We have run out of time. It has been a fascinating discussion. I would like to thank Cathy and all the members of our panel, and all of you in the audience, and Chairman Rostenkowski. It has been an honor to help celebrate the 200th anniversary of the Ways and Means Committee.

[Whereupon, at 5:03 p.m., the symposium was concluded.]

THE COMMITTEE ON WAYS AND MEANS: SUGGESTED READINGS

I. RECENT CONGRESSIONAL STUDIES (SELECTED TITLES)

Books

Cooper, Joseph, and Mackenzie, Calvin G., eds. *The House at Work*. Austin: University of Texas Press, 1981.

Davidson, Roger H., and Oleszek, Walter J. *Congress and Its Members*. Washington, DC: Congressional Quarterly Press, 1981.

Jones, Charles O. *United States Congress: People, Place and Policy*. Chicago: Dorsey Press, 1982.

Mann, Thomas E., and Ornstein, Norman J., eds. *The New Congress*. Washington, DC: American Enterprise Institute, 1981.

Oppenheimer, Bruce I., and Dodd, Lawrence C., eds. *Congress Reconsidered*. 2d ed. Washington, DC: Congressional Quarterly Press, 1981.

Sundquist, James. *The Decline and Resurgence of Congress*. Washington, DC: The Brookings Institution, 1981.

Articles

Bailey, Christopher J. "Beyond the New Congress: Aspects of Congressional Development in the 1980s." *Parliamentary Affairs* 41 (April 1988): 236–246.

Cooper, Joseph, and Brady, David W. "Toward a Diachronic Analysis of Congress." *American Political Science Review* 75 (September 1981): 988–1006.

Crook, Sara Brandes, and Hibbing, John R. "Congressional Reform and Party Discipline: The Effects of Changes in the Seniority System on Party Loyalty in the U.S. House of Representatives." *British Journal of Political Science* 15 (1985): 207–226.

Eulau, Heinz, and McCluggage, Vera. "Standing Committees in Legislatures: Three Decades of Research." *Legislative Studies Quarterly* 9 (May 1984): 195–270.

Polsby, Nelson W. "Studying Congress Through Time: A Comment on Joseph Cooper and David W. Brady, 'Toward a Diachronic Analysis of Congress'." *American Political Science Review* 75 (1981): 1010–1012.

Smith, Stephen S., et al. "Continuities in Legislative Research." *Legislative Studies Quarterly* 11 (February 1986): 5–46.

Unpublished Works

Baldino, Thomas L. "Congressional Reform and the Deinstitutionalization of the House of Representatives." Ph.D. dissertation (University of Pennsylvania, 1982).

Reference

Goehlert, Robert U., and Sayre, John. *The United States Congress: A Bibliography*. New York: Free Press, 1982.

Martis, Kenneth C. (author and ed.). *The Historical Atlas of Political Parties in the United States Congress*. New York: MacMillan Co., 1989.

Ornstein, Norman J., et al. *Vital Statistics on Congress, 1987–1988*. Washington, DC: Congressional Quarterly Press, 1987.

II. THE CONGRESSIONAL COMMITTEE SYSTEM (SELECTED TITLES)

Books

Fenno, Richard F., Jr. *Congressmen in Committees*. Boston: Little, Brown, 1973.

Parker, Glenn R., and Parker, Suzanne L. *Factions in House Committees*. Knoxville: University of Tennessee Press, 1985.

Smith, Steven S., and Deering, Christopher J. *Committees in Congress*. Washington, DC: Congressional Quarterly Press, 1984.

Unekis, Joseph K., and Rieselbach, Leroy N. *Congressional Committee Politics: Continuity and Change*. New York: Praeger, 1984.

Articles

Davidson, Roger H., et al. "One Bill, Many Committees: Multiple Referrals in the U.S. House of Representatives." *Legislative Studies Quarterly* 13 (February 1988): 3–28.

———. "Two Roads of Change: House and Senate Reorganization." *Congressional Studies* 7 (Winter 1980): 11–32.

Reference

Stubbs, Walter (compiler). *Congressional Committees: a Checklist*. Westport, CT: Greenwood Press, 1985.

III. THE HOUSE COMMITTEE ON WAYS AND MEANS

Books

Birnbaum, Jeffrey H., and Murray, Alan S. *Showdown At Gucci Gulch: Lawmakers, Lobbyists, and the Unlikely Triumph of Tax Reform*. New York: Random House, 1987.

Manley, John F. *The Politics of Finance: The House Committee on Ways and Means*. Boston: Little, Brown, 1970.

Ralph Nader Congress Project. *The Revenue Committees*. Richard Spohn and Charles McCollum, directors. New York: Grossman Publishers, 1975.

Strahan, Randall W. *Change in Congress: The House Committee on Ways and Means*. (Forthcoming, University of North Carolina Press, 1989).

U.S. Congress. House. Donald R. Kennon and Rebecca M. Rogers, authors. *The Committee on Ways and Means: A Bicentennial History, 1789–1989*. H.Doc. 100–244 (1989).

Articles

Bowler, M. Kenneth. "Preparing Members of Congress to Make Binary Decisions on Complex Policy Issues: The 1986 Tax Reform Bill." *Journal of Policy Analysis and Management* 8 (1989): 35–45.

Curtis, Thomas B. "The House Committee on Ways and Means: Congress Seen Through a Key Committee." *Wisconsin Law Review* (Winter 1966): 121–47

Manley, John F. "The House Committee on Ways and Means: Conflict Management in a Congressional Committee." *American Political Science Review* 59 (December 1965): 927–39.

———. "Congressional Staff and Public Policy-Making: The Joint Committee on Internal Revenue Taxation." *Journal of Politics* 30 (November 1968): 1046–1067.

———. "Wilbur D. Mills: A Study in Congressional Influence." *American Political Science Review* 63 (Spring 1969): 442–64.

Rudder, Catherine E. "Committee Reform and the Revenue Process." In *Congress Reconsidered*. Edited by Lawrence C. Dodd and Bruce I. Oppenheimer, pp. 117–39. New York: Praeger, 1977.

———. "The Policy Impact of Reform on the Committee on Ways and Means." In *Legislative Reform: The Policy Impact*. Edited by Leroy N. Rieselbach, pp. 73–89. Lexington, MA: Lexington Books, 1978.

Strahan, Randall W. "Agenda Change and Committee Politics in the Postreform House." *Legislative Studies Quarterly* 13 (May 1988): 177–97.

Unpublished Works

Bowler, M. Kenneth. "The New Committee on Ways and Means: Policy Implications of Recent Changes in the House Committee on Ways and Means." Paper presented at the annual meeting of the American Political Science Association, 1976.

Cataldo, Everett F. "The House Committee of Ways and Means." Ph.D. dissertation (Ohio State University, 1965).

Polimetric Associates. Congressional Committee Project. "House Ways and Means Committee Assignments, 1st–96th Congresses." 1981. Reproduced and updated by Congressional Research Service, Washington, DC (1989).

IV. RECENT STUDIES ON ASPECTS OF COMMITTEE'S JURISDICTION

Medicare and Medicaid

Articles

Bowler, M. Kenneth, et al. "The Political Economy of National Health Insurance." *Journal of Health Politics, Policy and Law* 2 (1977): 100–33.

Strauss, Peter I. "Medicare Catastrophic Coverage Act of 1988." *New York Law Journal* 200 (August 26, 1988): 3.

Social Security

Books

Achenbaum, W. Andrew. *Social Security: Visions and Revisions*. Cambridge: Cambridge University Press, 1986.

Browning, Robert X. *Politics and Social Welfare Policy in the United States*. Knoxville: University of Tennessee Press, 1986.

Derthick, Martha. *Policymaking for Social Security*. Washington, DC: The Brookings Institution, 1979.

Tariff and Foreign Trade

Books

Jameson, Kenneth, and Skurski, Roger, eds. *U.S. Trade in the Sixties and Seventies: Continuity and Change*. Lexington, MA: Lexington Books, 1974.

Articles

Bello, Judith Hippler, and Holmer, Alan F. "The Heart of the 1988 Trade Act: A Legislative History of the Amendments to Section 301." *Stanford Journal of International Law* 25 (Fall 1988): 1–44.

Malawer, Stuart S. "The 1988 Trade Act: Expanding 'Retaliatory Actions'." *Virginia Bar Association Journal* 15 (Winter 1989): 1–7.

Taxation

Books

Davis, David G. *United States Taxes and Tax Policy*. Cambridge: Cambridge University Press, 1986.

Reese, Thomas J. *The Politics of Taxation*. Westport, CT: Quorum Books, 1980.

Schick, Allen. *Congress and Money: Budgeting Spending and Taxing*. Washington, DC: Urban Institute, 1980.

Witte, John F. *The Politics and Development of the Federal Income Tax*. Madison: University of Wisconsin Press, 1985.

Articles

Conable, Barber B., Jr., and Pechman, Joseph. "Tax Philosophy: An Interview With Barber Conable and Joseph Pechman." *Public Opinion* 8 (February–March 1985): 59–60.

○